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MARTYRDOM IN MISSOURI

A HISTORY OF

RELIGIOUS PROSCRIPTION, THE SEIZURE OF CHURCHES, AND THE PERSECUTION OF MINISTERS OF THE GOSPEL, IN THE STATE OF MISSOURI

DURING THE LATE CIVIL WAR

AND UNDER THE

"Test Oath" of the New Constitution.

BY

REV. W. M. LEFTWICH, D. D.

VOLUME II.

"The Blood of the Martyrs is the Seed of the Church."

SAINT LOUIS:
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DEDICATION.

TO THE

MARTYRS OF MISSOURI,

REVS. JAMES FEWELL, GREEN WOODS, NATHANIEL WOLLARD, THOMAS GLANVILLE, ISAAC FRAZEE, GEORGE L. SEXTON, AUGUSTUS H. F. PAYNE, EDWIN ROBINSON, WM. POLK, JOHN L. WOOD, THOMAS JOHNSON, SAM'L B. MCPHEETERS, GEO. P. KINNAIRD AND SAM'L S. HEADLEE:

TO THE MEMORY OF

These holy men
Who kept the faith, and bold in hour of need,
For Christ's dear honor thought it joy to bleed;
Who watched the garments of their second birth,
And kept them ever undefiled from earth,
Till up they went, their martyr crowns to wear,
And still to walk in virgin-raiment there:

And to the principles of religious liberty for which the Christian Ministers of Missouri have so long and so severely suffered, and which they have so heroically and sublimely vindicated, this work is affectionately and devoutly dedicated

BY THE AUTHOR.

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PREFACE.

No human work is perfect; no human judgment infallible. No collation of historical facts can be abstractly accurate, for both their accuracy and value will be measured from each man's point of observation, and determined by each man's interest in the principles involved and the lessons taught.

This work—now complete, but not perfect—is submitted to the ordeal of human criticism and consecrated to the high and holy uses for which it was undertaken.

It will pass on, with the multitude of other historical works, to fulfill its mission in the world, and be assigned only the place among similar productions which its true merit demands. When the great Athenian artist, Zeuxis, was rallied by the young and dashing artists of his day because he spent so much time on his pictures, he replied, "Why should I be sparing of time when I paint for eternity?" It is a noble passion which looks through the toils, privations and sufferings of the present to the veneration and homage of future ages. Genius paints for succeeding generations, and can only be measured and appreciated by the lapse of centuries. The mendicant wanderings of Homer, the coarse cloak of Socrates, the exile of Phidias, the banishment of

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Tully, the crazed brain of the unhappy Tasso, the street songs of Luther, the poverty of Milton, the play-house ridicule of Shakspeare and the jail of Bunyan, all tell the same story and teach the same lesson. All are artists painting for eternity; and the genius that lives in the future generations of men will be studied and estimated by the character of his pictures and the real value of his works. This much is said of the works of true genius. But the work here and now committed to the candid criticism of men is not the work of genius, but of labor, and the author can not even claim that he has been unsparing of time.

The production of such a work, in the absence of both genius and experience, has required an amount of labor, both physical and mental, that but few can appreciate, and which it is to be hoped no other man will ever have cause to superadd to so many other duties and crowd into so short a space of time.

This whole work of two volumes has been written and published in less than eleven months, in addition to the unneglected duties of a heavy pastoral charge. Toil, unremitting toil, upon which has fallen the grey light of the early dawn and the unpoetic glare of the midnight lamp, has produced the work; but no material fact, date or name has been omitted or sacrificed by this haste, and for the truthfulness of the history and the accuracy of the material facts no consideration is demanded on this account.

For the favorable criticism of the press which the first volume received, and for its highly complimentary reception by the reading public, the author is profoundly grateful. The notices of the press were more favorable

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than he had any reason to expect; but, then, many subjects possess an importance and a magnitude independent of those who handle them. The fact that the first edition was ordered before it was born from the press, and that the publishers reached the last of the second edition before they caught up with the orders, was more than the most enthusiastic friends of the work anticipated. For this flattering reception the author again takes pleasure in making grateful acknowledgment.

The personal abuse by the Northern Methodist press of the author and his endorsers was expected, and the anticipation foreshadowed in the preface. But Bishop Marvin survives, Drs. M'Anally and Summers still flourish, and the author takes pleasure in acknowledging the valuable services thus rendered in the circulation of the work. If the tens of thousands of good, honest, pious and devoted people who are in Church fellowship with Northern Methodism in Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, and all through the Northern and Eastern States, can be induced to read this work, the author is willing to give to their editors and correspondents a *carte blanche* on the whole vocabulary of abusive personal epithets and a copyright to their most skillful and classic use. And, furthermore, they shall have an unchallenged patent right to all the falsehoods which malice and genius can invent, and to all the ingenious uses to which they can be put to raise personal issues and quarrels, and thus break the force of historical facts. But they understand well enough that they can not escape the history they have made, the verdict of a discriminating public now, or the righteous condemnation of an unprejudiced posterity.

The present volume is entirely free from the questions of controversy between the two Methodist Churches, which occupied so large a part of Vol. I, and which was necessary then and there in order to bring out the true principles involved in the "Church Seizures," and the active part the church seizers took in the proscrip-

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tion and persecution of the ministers of the M. E. Church, South. This volume only makes occasional and incidental allusion to the facts without discussing the issues at all.

But the great principles of religious liberty which were assailed by the New Constitution of the State, and the persecutions of ministers of the Gospel under the application of its notorious "Test Oath," receives the principal attention of this volume.

The history of the New Constitution, with a logical and legal analysis of its provisions and its invasion of the rights of conscience, together with its application to ministers of the Gospel, *as such*, without political or sectarian distinctions, have been prepared with great care and no little labor. The distinctive principles of religious liberty which inhere in the rights of conscience in all matters of religious faith and worship are clearly defined, so that the reader may be able to see how far the rights of conscience were invaded by the Test Oath of the New Constitution.

The narratives of the persecution, arrest, indictment, trial, imprisonment, fine, etc., of each individual case has been presented, of choice, as far as possible, in the language of the writers. And the classification of such cases, if there is any classification at all, has been made with a view to remove denominational distinctions, and present every minister of the Gospel, not as he stood in the light of his Church, but in the light of the New Constitution of the State.

The many instances of murder and martyrdom which are given in this work shade with deeper colors this whole history of Martyrdom in Missouri and furnish the saddest evidence of the depravity and corruption of our fallen humanity. As announced in the prospectus, this work deals only with ministers of the Gospel who were strictly and properly non-combatants. Those who committed themselves to the active issues of the war are left with its history.

But the work is so appropriately and ably introduced by another that it really needs no preface from the

St. Charles, Mo., April 30, 1870. AUTHOR.

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INTRODUCTION.

BY

REV. JAS. H. BROOKES, D. D.

It was a crafty device suggested to a Northern writer when he pronounced the first volume of "Martyrdom in Missouri" a fiction. There was no other way of breaking the tremendous force of its facts. Little sagacity was required to see that if the testimony of such a book were allowed to go forth unchallenged, the eyes of multitudes would be opened to the enormities that had been perpetrated in the name of patriotism and of piety.

In 1865, at the close of the war, the General Assembly of the Presbyterian Church in the United States of America, convened for the sole purpose of transacting business pertaining to the Kingdom of Jesus Christ, gravely announced to the world that the rebellion had been suppressed without "the national honor being tarnished by deeds of outrage and cruelty." Those in Missouri who had seen venerable men, bowed and trembling under the infirmities of eighty years, dragged from their homes and incarcerated like common felons; those who had watched half-starved prisoners eagerly

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thrust their hands into barrels of offal that waited the coming of the scavengers, and then gnaw the bones they found like famished wolves; those who knew that hundreds and thousands of our best citizens had been arrested, assessed, kept in confinement for months, or banished, without learning the nature of the offense with which they were charged; those who looked on with speechless sorrow while whole counties were literally depopulated by military order, and the fugitives made their way across the prairies by the light of their burning dwellings; those who witnessed the execution of ten unoffending civilians for the *supposed* murder by unknown hands of one man; those who read the sworn testimony of a most respectable lady, declaring that she was compelled to submit her person to the brutal lust of a United States officer as the price demanded for the life of her husband; those whose friends and pastors had been hanged or shot down like dogs, without even the semblance of a trial, were prepared to put a right estimate upon the statement of the Presbyterian Assembly, that the national honor was untarnished by deeds of outrage and cruelty. There was no alternative but to regard the authors and endorsers of this remarkable declaration with contempt for their blind credulity or with loathing for their brazen hypocrisy.

Other ecclesiastical bodies repeated the falsehood until they led the nation to believe that they and the soldiers whom they cheered onward to their bloody work constituted the sacramental host of the Lord, and that all the atrocities of the war belonged to the uneducated and barbarous rebels. The din they raised about the sufferings to which captured Government troops

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were exposed in Libby Prison and Andersonville effectually prevented the voice of the conquered South from being heard; and having a teeming press at their command, and the anti-slavery sympathies of Europe enlisted in favor of their cause, it was easy to make it appear that they possessed all the morality and religion and virtue.

In vain did Judge Ould, commissioner for the exchange of prisoners on the Southern side, prove, by the voluntary evidence of the commissioner on the Northern side, that he had implored the Secretary of War at Washington to consent to an exchange; and, having failed in this, that he had offered to pay three times the price in gold for all provisions and medicines that should be sent through the lines in charge of Federal surgeons for the exclusive benefit of Federal prisoners. It did not suit the purpose of the astute Secretary either to exchange or relieve the sick and dying at Libby and Andersonville when he found that the impoverished South, whose seaports were rigorously blockaded, could not assist them, but it admirably answered the end he had in view to consent at length to the exchange of those who were most emaciated, and then to have the photographs of their skeleton forms sent in the illustrated papers throughout the world.

So it has answered the end of those in power and their ecclesiastical compatriots to keep their own misconduct in the back ground, while continually proclaiming to their dupes the untamed ferocity of the rebels. It is the old story of the thief crying "stop thief" with all his might in order to divert attention from himself.

Of course, then, a book like "Martyrdom in Missouri" would cause an unusual hubbub in the ranks of these self-complacent Pharisees. It contains a record that must force even their hardened cheeks to blush; and there was no way of arresting its dreaded influence ex-

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cept by pronouncing it a fiction and by assailing its author with coarse calumny. Would to God it could be truthfully said that it is only a fiction, and that the painful narratives contained in its pages are but the product of the writer's prolific imagination. But, alas! it is a veritable history, as ten thousand sorrowing hearts can testify, although it presents a most striking illustration of the adage, "truth is stranger than fiction." Not only has Dr. Leftwich exhibited patient care in thoroughly sifting the evidence adduced to substantiate these annals of "Martyrdom in Missouri," and not only has he taken every precaution to guard against the admission of exaggerated and frenzied recitals of wrongs endured during the war, but he is ready for the most searching examination of his statements before the civil tribunals.

It will not be deemed indelicate in this connection, and in view of the unmanly efforts of sundry journals in the North to rebut merely by personal flings and innuendoes the overwhelming array of evidence found in his work, to allude for a moment to the character and standing of the author. He is as well and as favorably known, perhaps, as any minister of the Gospel in the State of Missouri. Both in his own denomination and in sister Churches he is held in high esteem for his devotion and zeal in the service of his Master. Having abandoned the profession of the law, in which he had abundant promise of success and distinction, he was led by the Holy Ghost to enter upon the arduous life of the Methodist Itinerancy, and it is enough to say that the Lord has greatly owned his labors.

All attempts "to write him down" will exhibit in clearer light his unsullied reputation as a sincere Christian, a faithful preacher of the Word, and a courteous gentleman. That such attempts should be made, clearly exposes the desperate extremity to which his book has driven those who can not impeach its solemn testimony and dare not face its terrible record.

But it may be asked, why publish such a book years after the war has closed? Is it designed to stir up the angry feelings that were beginning to sleep under the soothing influence of time? Is it intended to perpetuate the bitter strife and transmit it as an accursed legacy to

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vex our children and our children's children? Is it brought forward as fuel to rekindle the smouldering fires of hate, or as a barrier to prevent the speedy restoration of harmony and fraternity in Church and State?

If such were its objects, good men every where should turn with horror from the author and his work, but it is not going too far to say that he would be among the very last to aim at the accomplishment of ends so unchristian and so undesirable. So far from wishing to promote dissension, it is the longing of his heart to see peace established, but established on the basis of righteousness, without which it can not long continue.

No intelligent person can read the book without being persuaded that its publication was imperatively demanded. It was not a question of expediency, but of necessity, that it should come to light, if the kindly relations of the past among Christians and neighbors are ever to exist again. The war had made an ugly wound, which could not be healed by court plaster, but required thorough probing before soundness and comfort were possible. Those who warmly espoused the cause of the North denounced as "rebels" and "traitors" all who did not conform to a certain standard of "loyalty" which it is safe to affirm is utterly unknown to the Word of God and in the history of civilized nations. Those who, by birth, education and association, were forced to obey the dictates of nature and of nature's God so far as to be called "Southern sympathizers" were proscribed, persecuted, imprisoned, robbed of private property and of churches, and in scores of instances put to death, even while conscientiously abstaining from every act that would militate against the authority of the Government at Washington.

As men are constituted, apart from the transforming power of divine grace, is it possible that outrages like these can be forgiven and forgotten while the perpetrators of the wrongs exhibit no sign of penitence and breathe no word of confession, but still carry themselves with an insolent and lordly mien, and still ring changes on the threadbare epithets employed during the war, and still too plainly show that if again backed

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by a military despotism they would continue to crush and to kill? The magistrates of Philippi after being startled by an earthquake were quite willing to get rid of the Apostle in a quiet way, but he said, "They have beaten us openly uncondemned, being Romans, and have cast us into prison; and now do they thrust us out privily? Nay, verily, but let them come themselves and fetch us out."

Five years have passed away since those who displayed the character of the Philippian magistrates toward their brethren had an opportunity of showing at least a spirit of magnanimity, but since they continue, in the pride of power, to denounce as evil doers the faithful martyrs for Jesus, it only remains to appeal from their decision to posterity and to God. These volumes constitute part of that appeal. Both parties to the strife that still rends the bosom of the Church can not be right, though both may be wrong; and if the unity for which the Saviour so touchingly prayed is ever realized, the ground of complaint which has divided the household of faith must be made known and removed. These volumes set forth a portion of that ground, and the author, taking his stand upon it, sternly addresses the professed Christians whom he has convicted of fearful crimes, in the language of Jehovah to apostate Israel, "Wash ye, make you clean; put away the evil of your doings from before mine eyes, cease to do evil, learn to do well, seek judgment, relieve the oppressed, judge the fatherless, plead for the widow."

Materials for a third volume have already been gathered, and if an accurate record were preserved of all the sufferings endured in Missouri by the children of God at the hands of military and ecclesiastical persecutors, it would require volume after volume. But it is to be hoped that the two now published will enlist the hearty co-operation of all true men throughout the country in refuting the slanders that have been heaped upon the dead and the living, whose cause they plead, and thus obviate the necessity for a prolonged discussion of this painful subject.

Another end, however, more important than peace, which they will greatly assist in securing, is the elu-

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cidation of the vexed questions concerning the relations of the Church to the State. It is difficult to imagine a more powerful argument than is found in these two volumes against the interference on the part of the former with the affairs of the latter. Because of this interference we have the sorrowful history of "Martyrdom in Missouri." Because of this interference we have seen religious bodies bearing the same name, holding the same symbols of faith, and worshiping at the same altar, torn asunder, never more perhaps to meet in brotherly association. Because of this interference, the tenderest ties of Christian affection have been broken for life, and a cruel alienation has separated those who "took sweet counsel together, and walked unto the house of God in company."

The Lord gave His Church a golden opportunity at the commencement of the war to exhibit the reality of her unity and the strength of her love for all her members by binding them together in close and precious fellowship despite the bitter strife that was raging around her, but she was wholly unequal to the occasion. Throwing down the cross which she was commanded to bear, and seizing the sword which she was forbidden to use, she eagerly rushed into the conflict, and vied with Jacobin politicians in the fierceness of her denunciations and in her thirst for blood. It came to be a common thing to look for the utterance of the most atrocious sentiments in the resolutions of ecclesiastical Conventions; and even after peace was declared scores of these Conventions shamelessly demanded that the terms granted to the Southern generals at the time of their surrender should be disregarded, and that the leaders of the "rebellion" should be put to death.

Christ has said, "love your enemies," "put up thy sword into the sheath," "who made me a judge or a divider over you," "my kingdom is not of this world;" but, utterly unmindful of His word, the Church gained a bad distinction in doing that which is most opposed to His spirit and to the precepts of his Gospel. Surely, if apostate Israel was cut off for iniquity, apostate Christendom has reason to fear that she will be spewed out of the mouth of her insulted Lord.

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The plea by which a justification is sought for the constant intermeddling with the affairs of the Com n-wealth, which has stained the records of nearly all the Protestant denominations of the country, is the shallow device, that where questions have both a political and moral aspect it is the prerogative of the Church to deal with them in the latter character, and if this trenches on political ground, it can not be avoided. How much better, safer, wiser to say that the Church can speak only where Christ has spoken, and can legislate only where Christ has legislated.

The Saviour, for example, says, "Render unto Cæsar the things that are Cæsar's," and the Spirit, by the Apostle, says, "Let every soul be subject unto the higher powers." It is, therefore, both the privilege and the duty of the Church, through her councils and ministers, to repeat and enforce these solemn injunctions, and to affirm that rebellion against recognized or existing gov-ernment is rebellion against God.

But where there are rival Cæsars contending for the throne of empire, or where, through some defect in the fundamental law of the land, it is a disputed question to what power the allegiance of the citizen is primarily due, it obviously lies entirely beyond the province of the Church to pronounce in favor of one Cæsar rather that the other, or to determine the meaning of civil Constitutions. She has no right to adjudge anything save as she can solemnly declare, "Thus saith the Lord."

O! if she had governed her course simply by the word of God during these years of strife; if she had remembered her high calling as the bride elect of "the Prince of the Kings of the Earth;" if she had kept in mind that her "citizenship is in Heaven;" if she had laid to heart that no where in the New Testament is the love of country mentioned as a grace of the Spirit, or even commended to the notice of Christians; if she had kept herself "unspotted from the world, looking for that blessed hope, the glorious appearing of the Great God, even our Saviour Jesus Christ," we would not now be mourning over the ashes of her martyred children whom she ruthlessly caused to pass through the fire to the dark Moloch of patriotism.

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MARTYRDOM IN MISSOURI.

CHAPTER I.

RELIGIOUS QUESTIONS ONLY ARE VITAL.

Religious Liberty—Church and State—The Relations of Church and State Unsettled—The Relation of Human and Divine Governments—Conflict Between Church and State—Perpetual Enmity—Religious Questions in Social and Civil Revolutions—Judea and the Destruction of Jerusalem—The "Crusades"—Cross and Crescent—The Holy Inquisition—French Revolution of 1798—Last Civil War in England—American Revolution of '76—Crimean War—Louis Napoleon and Northern Italy—Vaudois Christians—Prusso-Austrian War—Needle Gun vs. Concordat—John Huss and Jerome—Revolution in Spain—Disestablishment of the Irish Church—Conscience Demanding Liberty—The Late Civil War in our Country no Exception—Political and Religious Aspects of the War—A Patent Moral *Panacea*—Curious Questions of Casuistry—Preaching and Practice.

Religious questions only are vital. Religious liberty—the rights of conscience, the rights of individual faith and worship, the integrity of the Church of Jesus Christ as a "kingdom not of this world," the purity of the Gospel, the divine authority of the ministry, and the sovereign kingship of Christ as the rightful and only Head of the Church, raise all the religious questions which so vitally concern man as a social and moral being. How far the State should touch and regulate by legislation any of these matters of religious liberty is a question not so easily determined. That

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the State must provide laws for the citizen as a social being, and adjust, by legislative enactments, his civil relations and rights, will not be questioned. In doing this the religious conscience must be touched to some extent, and the questions of religious liberty must be more or less affected; besides, the State government must provide for and protect the religious privileges of its citizens. Can this be so done that the rights of conscience, of faith and of worship will not be abridged, and, at the same time, all the personal and civil rights of the citizen be respected? The wisest statesmen and the purest Christians in the most enlightened countries have not been able to settle such questions, and place the Church and the State in proper and peaceful relations to each other. They are so distinct, and yet so interdependent, that a thousand and one civil statutes and ecclesiastical deliverances impinge upon each other and interlock the respective functions of the complex machinery. Many flippant talkers and writers suppose and affirm that the relative position of Church and State, with all the distinctive prerogatives of each, have been settled long ago, and especially by the model structure of the United States Goverment. This is not true, however. While in the fundamental constitution and government of this country we have the nearest approach to both civil and religious freedom, and consequently the true relations of Church and State, yet there are too many conflicting and clashing interests, too much control of citizenship in the interest of religion, too much religious proscription in the interest of loyalty to the State, too many partisan fanatics in the Church, and too many politico-religious

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fanatics in the country, and the agitation of ecclesiastico-political subjects is too constant, intense and general to allow the thoughtful and candid to believe that the relative position of Church and State has been properly and peacefully settled even in this country of boasted freedom and much vaunted civil and religious liberty.

Preachers and politicians will prolong the agitation just so long as the one can gain notoriety and the other secure place and power. Yet it is manifestly unjust to lodge with such sinister motives the public discussion of the gravest questions of the hour. Designing men will nevertheless take advantage of the unsettled relations of Church and State, and the popular interest that can easily be manufactured out of their ever clashing claims, to agitate the public mind and prolong strife for corrupt purposes. It has ever been the case, and will continue until "the kingdoms of this world are become the kingdoms of our Lord and of his Christ, and he shall reign forever and ever."

Human governments at best are only imperfect imitations of the Divine government. The most perfect models of civil government are but huge and fatal experiments upon the great problem of self-government, and represent but the feeble staggerings of unaided humanity toward government and God. There is no perfect government without God, and no stable and peaceful administration of human laws independent of God. Civil governments will ever be subject to change in their organic structure and in their fundamental principles, even by violent revolutions, until their constitutions, legislation, adjudication and administration

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shall be conformed to the divine model furnished in the Holy Scriptures, which requires a proper recognition of the Supreme Being, the Divine Governor and Ruler of the Universe, the authority of his laws, the grace of his gospel, the universal claims of his kingdom, and the regal and unchallenged sovereignty of his Son, the Lord Jesus Christ. Then there will be no conflict between Church and State. Christ will not be tried and convicted before Pilate, and Paul will not appeal unto Cæsar, or be "left in chains" and "reserved unto the hearing of Augustus." Then ecclesiastical courts will not pronounce upon the respective claims of political parties and party measures, nor will high ecclesiastical courtezans use the power of the State, obtained by deception and fraud, to seize the property and persecute the ministers of other churches on account of constructive sectional sympathy, or have incorporated into State constitutions the most proscriptive and intolerable fetters for the ministerial conscience as a qualification or a penalty for the work of the holy ministry, and authorize the proscription and persecution of ministers of the gospel even to prison and to death in the interests of a fanatical and false loyalty to the civil government. The relations of Church and State settled, indeed! The "blood of the martyrs," even from that of "righteous Abel" down through the long line of prophets, priests and kings, of apostles, confessors and fathers, of reformers, defenders and remonstrants, of Protestants and Non-Conformists, and along down to our own times and history, with the horrible chapter of blood and murder which the State of Missouri has given to the history of religious mar-

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tyrdom, all cry out in sacred, solemn protest against the assumption that the work of solving and settling all the questions of civil and religious liberty growing out of the relations of Church and State has been accomplished. No, no; the great issue which Christianity makes with the individual man reaches his social and civil, as well as moral and spiritual, relations; and wherever the distinctive authority of Christianity comes in conflict with evil, whether in the consciences, the lives or the laws of man, the issue is at once defined, sharp, and without compromise. Though the Gospel is "Peace on earth and good will toward men," yet its Divine Author announced the fact that before peace there must be war, and the sword must precede the "good will toward men." "Think not," said he, "that I am come to send peace on earth. I have come not to send peace, but a sword."

It is a sad commentary upon our race, but we must recognize the facts and accept the situation. Enmity was put between the serpent and the woman, and between his seed and her seed. This enmity involves perpetual strife and war between good and evil, which extends through all the history of our race, and affects all the interests of time and the awards of eternity.

"O, shame to men! devil with devil damned
Firm concord holds: men only disagree
Of creatures rational; though under hope
Of heavenly grace, and God proclaiming peace,
Yet live in hatred, enmity and strife
Among themselves, and levy cruel wars,
Wasting the earth each other to destroy;
As if (which might induce us to accord)
Man had not hellish foes enough beside,
That day and night for his destruction wait."

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Not until right and righteousness are established in the earth will strife cease and men learn war no more. A false truce, and a peace obtained under the plea of a false charity, are alike inimical to the establishment of Christ's kingdom in the earth. Hypocrisy is a convenient cloak for sin, and a maudlin charity is a popular refuge for crime; but "God is not mocked," and his "kingdom of righteousness and peace and joy in the Holy Ghost" can not be established amongst men under the semblance of righteousness or on a base counterfeit of the chief of its virtues. "Then cometh the end, when he shall have delivered up the kingdom to God, even the Father; when he shall have put down all rule and all authority and power. For he *must* reign till he hath put all enemies under his feet."

Into every social, civil, political and moral revolution amongst men enter more or less largely the vital issues which Christianity makes with man as a sinner, and the questions of civil and religious liberty as they are represented in the conflicting claims and interests of Church and State. Hence it is again affirmed that religious questions *only* are vital. Questions of religious faith, and conscience, and worship *only* have in them the life or death of the individual, the life or death of the State. They only are *vital.*

Both the philosophy and the history of the most noteworthy revolutions in civilized countries confirm the position here taken. The rejection and crucifixion of Jesus Christ by his own nation, and the subsequent attempt of the apostles to establish in Judea a "kingdom not of this world," while Judea was a province of the Roman Empire, involved the relations of Church

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and State, brought the questions of conscience in conflict with the authority of Cæsar, and provoked imperial Rome to the destruction of Jerusalem and the Temple, the slaughter of more than a million of Jews, and the dispersion of the divinely chosen and rejected tribes of Israel into every land and country, where they are still a "hissing and a by-word."

When, in the seventh century after Christ, the Saracens, under the Caliph Omar, invaded Palestine, captured Jerusalem and ruled the Holy Land in the name and by the authority of the great prophet, Mohammed, at a cost of sixty millions of lives, the bare privilege of making pious pilgrimages to the Church of the Holy Sepulchre at Jerusalem was obtained for the Christians with much difficulty, and then only through the friendly services of international diplomacy. This poor religious liberty was greatly restricted by Musselman insolence and intolerance after a few centuries, and the pious pilgrims had to submit to many indignities, often being driven out, and many of them put to death. A holy indignation was created throughout all Christian countries. Peter the Hermit, espousing the cause of the proscribed and persecuted Christians, issued from obscurity, and with his fiery eloquence roused up all Europe, until the Christian nations poured forth army after army to rescue the Holy Land from the hands of the infidel Musselmen. The Cross and Crescent joined issue, and became the respective symbols of the opposing questions and forces. The eleventh, twelfth and thirteenth centuries became distinguished for the bloodiest wars known to history, called the "Holy Crusades," and costing the Christian nations alone over two mil-

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lions of lives, with untold treasure. The religious questions almost absorbed the social, financial, commercial and national interests and resources of two continents for more than three hundred years.

When Pope Innocent III established in all Papal countries what is known as the "Holy Inquisition," for the examination and punishment of heretics, with the notorious St. Dominic as the first Inquisitor-General, the institution entered at once into the most vital political questions, involving Italy, Spain, France, Portugal, Germany, and every other papal country, more or less, in a religious internecine war, in which the civil and the military authorities were but the officers of the Church, to obey and execute her bloody behests. More than half a million of victims in Spain alone were offered to the bloody Moloch of the "Holy Office." How many thousands and millions went to the rack and the stake in other papal countries eternity alone will reveal.

The French Revolution of 1789 revealed a rare combination of moral forces and religious questions, in the wide-spread corruptions of the clergy, the religious intolerance and oppression of the people by the nobility, at the instigation of the priests, and the many social and civil fetters put upon the religious conscience in the interest of loyalty. It was this, and not "*Diderot's Penses Philosophique*," which bathed France in blood and cost Louis XVI his head.

The last civil revolution in England was not produced by the twenty-five per cent. tax upon ship money, but by the religious questions raised by Church and State complications, which, strange enough, this tax was made

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to represent. Charles I put Elliott, that bold champion of religious liberty, in the dungeon, thus forfeiting his pledges, disregarding the Petition of Rights, and trampling under foot the Grand Remonstrance. He proscribed and imprisoned the Puritans, and marched with an armed force to Westminster to break up the House of Commons and disperse the patriots of the Opposition. These things touched too deeply the religious conscience of the masses to be submitted to tamely. The popular indignation was aroused, the people clamored for change; even Hampden, the great conservative leader, was powerless in the storm. The revolution came, and Charles I lost both his crown and head.

It was not the three per cent. tax upon tea that caused the American Revolution of '76. The great Edmund Burke said in the British Parliament "that the right to tax him for that amount implied the right to make him a slave," and Haynes said "that the American revolution was fought upon a principle involved in three cents a pound upon tea." It is true that George III took away the colonial charters, and repealed laws at his pleasure, changed the forms of his administration, and denied the colonies the right of representation, while they were heavily taxed to support a civil oppression which they detested, and did many other things which were proscriptive and tyrannical; but far back of all these grievances lay the questions of religious freedom, which forced the Puritans of England and the Huguenots of France to seek an asylum upon these shores, and secure the blessings of religious liberty far from the oppressor's power. The right to worship

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God according to the dictates of the conscience, without molestation or restraint, was dearer to them than country, or home, or even life itself, and would be greatly endangered, if not virtually surrendered, by admitting the right of taxation without representation. Too long had they enjoyed religious privileges under their charters to yield them up now to the tyranny from which they had escaped. Religious liberty, demanded by the rights of conscience in faith and worship, which human authority has no right to abridge, was the soul and center of all the rights and liberties for which "Washington fought and freemen died." Men may have patriotism without Washington, and loyalty without religion; but we can not have Christianity without Christ, or true liberty without religion.

Statesmen and diplomats tell us that the "Crimean war" was brought about by the attempt of Russia to overthrow Turkey, and thus disturb that mythical thing called the political balance of power in Europe. But the truth of history will point us far back of, and beneath this political surface, to a literal *Church key* as the real *casus belli*.

The Greek Church possessed the key to the Church of the Holy Sepulchre at Jerusalem. The Latin Church wanted it. Each affirmed their right to it, and both considered themselves persecuted and wronged. The Greeks finally offered one to a side door. The Latins demanded equal facilities to the main entrance. They wrangled over it until the authority of the governments which they respectively represented was evoked. Statesmen and diplomatists entered the lists and tried to settle the difficulty, but they only complicated the

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question with national honor, and extended it to all the vital functions of the State, until all Europe became more or less involved. England, France and Turkey, with the promise of Austria, became confederate allies against Russia in a war that cost more blood and treasure than it would require to put the Bible in the hands of every human being on the globe. That church key fitly represented the distinctive questions of religious liberty, which the sword is sometimes commissioned to unlock.

The war of 1859, in Northern Italy, unveiled the existence of religious questions and moral combinations more powerful than the political relations of the Scandinavian States. Louis Napoleon made that brilliant campaign on the plains of Lombardy, not solely for the purpose of affecting the political condition of the people and States of Northern Italy, and to invest them with popular suffrage and form them into an independent confederation, with Victor Emanuel on the throne, but to unfetter the conscience, guarantee, in a measure, religious liberty, release the Vaudois Christians, whose strange history had excited such profound interest for centuries, open their evangelical mission, bring them down from their impregnable Alpine homes, and give to Italy, through them, a free Protestant Christianity. As a mere political result, the war established a new confederation, reduced the Pope's Italian provinces to one-fourth their former dimensions, and his subjects from two millions to half a million, and gave the last stunning blow to his political power.

Louis Napoleon little thought that Providence had used him to give the death-blow to the papal power,

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while his own bayonets alone upheld it, and prepare the way for a purer evangelism to pervade the classic peninsula, and redeem all of papal Europe from the religious proscription and oppression of the "Holy Mother Church."

The late Prusso-Austrian war revived the old Bohemian Protestantism, and girded it for the new opportunities created by the great changes in the Austrian empire. The moral revolution in Austria is more significant than any changes in the organic structure of the empire, if indeed they can be separated. The celebrated Papal "Concordat" was abolished. Count Buest, a liberal Protestant, was made Prime Minister, and at once inaugurated a liberal policy. Civil marriage was established and anti-Papal children were declared legitimate. Education was made more liberal and relieved, to a great extent, of priestly control, and the followers of the immortal Huss and Jerome, those brave old "Reformers before the Reformation" and martyrs of the Council of Constance, are not only encouraged and revived, but there is yet hope for the moral and political redemption of the most oppressive, proscriptive and cruel empire in all Europe. It may turn out at last that the celebrated "needle gun" was constructed and commissioned to destroy the Papal Concordat, and re-inspire and re-kindle the spirit of Huss and Jerome of Prague in the very heart of Europe and in the middle of the nineteenth century.

The quiet revolution in Spain has turned at last upon the great questions of religious liberty; and the discovery of the *debris* of the ancient martyrs in the heart of Madrid, while excavating the streets, at the very

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time when the Cortes was discussing the relations of the Church to the State—whether all religion should be free—awakened intense excitement throughout the whole country, and precipitated the decision of the Cortes in favor of religious freedom.

The disestablishment of the Irish Church, and its future relations to the government of England, has created a deeper and more general interest throughout the kingdom than all the complicated questions of internal policy and foreign relations that have demanded the grave consideration of Parliament for many years. It will not be denied that the relations of Church and State evolved by that great issue assumed an alarming character, and threatened the kingdom with a widespread and disastrous civil revolution.

The "Alabama Claims," and the revolutions in Spain and Cuba, and all other questions of foreign diplomacy, sunk into comparative insignificance in the presence of the rights of conscience and the liberty of faith and worship involved in the true relations of Church and State.

These facts sufficiently demonstrate the position taken without the recital of the particular persecutions of Christians, such as the Waldenses, Albigenses, Huguenots, St. Bartholomew Massacre, Marion Martyrs, Nonconformists and Remonstrant Confessors, and many others in which a direct issue was made with individuals on account of their religious faith and worship.

It is clear that the true relations of Church and State have not been settled so long as the rights of conscience in matters of religious faith and worship form a feature so prominent and play a part so conspicuous in all

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civil revolutions, and even international wars amongst civilized nations. Indeed, it is difficult to escape the conviction that the revolutions of civil governments, whether effected by internecine or international wars, are either the voice of the religious conscience clamoring for liberty and asserting its divinely endowed rights, or the force of religious principles, which, passing through a variety of stages, settle down finally at the foundation of all social order and enlightened civil governments, and become vital to all the social and civil institutions of man.

The late civil war in this country is not an exception to the general rule. The events are too fresh and the party passions have not sufficiently cooled to admit of any philosophical analysis of the true questions which led to the deplorable and bloody strife between the two sections of our country. The future philosopher of our country's history will discover and bring to light moral combinations and religious questions which had existed and acted upon the moral sentiment of the country for more than a quarter of a century, and which would have produced a revolution in some form had there been no slavery question around which to gather a false sentimentalism and with which to kindle a frenzied fanaticism. Some other institution or some other question of civil policy would have furnished the occasion for an upheaval of the old order of things, which the restless and reckless religious fanatics could not much longer endure.

The breaking up of the Charleston Convention in 1860, and the exciting presidential campaign which followed, doubtless precipitated the issue. It was the first

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time in the history of the country when straight-out sectional candidates were before the people for the Presidency, and when sectional issues were fairly and squarely made. In the judgment of party leaders, the election would decide questions that were vital and involved the life of the nation, and nothing was left undone that could arouse sectional prejudices, inflame sectional passions and influence the result in the smallest degree; and from one end of the country to the other the highest state of political excitement prevailed, affecting every circle and class of the people, and foreshadowing in alarming colors the coming strife of arms. But mere political excitement, unmixed with religious fanaticism and unsustained by what is called the religious conscience, will pass away with the occasion which produced it. However high and heated political feeling may run, and however fervid the party passions may bound, a civil revolution will be impossible without the great moral questions which appeal directly to the religious conscience and the authority of the Word of God. Party leaders and party passions would have been powerless to produce the late civil war without the admixture of religious fanaticism and the injection of religious questions. Hence, the revolution in moral sentiment was first, was deeper, more radical and general; and political party leaders are less responsible than those who direct the moral forces, and from pulpit, platform and press give tone and temper to the moral and religious sentiments that were so liberally evoked in the prosecution of the war. The old standards of right and wrong, of truth and falsehood, were torn down, and these terms were made to

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exchange places and express ideas to suit the latitude and the purpose. The Decalogue was put into the crucible of expediency and simmered down to a kind of moral decoction, which was labeled "loyalty" and distributed promiscuously for the healing of the nation. It was possessed of marvelous properties as a moral *panacea*, and could be accommodated to the wants of every individual and be made to justify every moral travestie. The precepts and principles of the Gospel were given a modern, war interpretation by Beecher, Phillips, Simpson and Ames, which toned down the moral *esprit du corps* of the army, and gave its generals, colonels, captains, provost marshals and scouts a kind of moral *carte blanche* upon the effects, personal and real, of all combatants and non-combatants, including old men, ministers, women and children, in the name of the best government in the world. The moral history of the war itself would involve the shrewdest casuist in the most intricate problems of moral philosophy to determine the relative guilt of Henry Ward Beecher and General Grant, of Bishop Simpson and Mr. Stanton, the "war minister," of Bishop Ames and General Butler, of Bishop Clark and General Sherman, and so on through the list. And yet, after all, the problem is simply one of preaching and practice.

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CHAPTER II.

TEST OATHS—THEIR PHILOSOPHY AND HISTORY—TEST OATHS IN MISSOURI.

Oaths, Judicial and Official—Why Resorted to in Civil and Judicial Administration—Washington on the "Religious Sanctions" of the Oath—Different Forms and Functions of Oaths in Different Countries—Defective in this Country—A Matter of Grave Public Consideration—The History and Office of "Test Oaths" in Religious Persecutions—No Invention of the Nineteenth Century—Not Peculiar to Missouri—Nebuchadnezzar's Decree and the "Three Children"—Darius and Daniel—The Sanhedrim and Peter and John—Nero A. D. 67—Domitian A. D. 81—Maximian and the "Theban Legion"—The Waldenses—Albigenses—Bartholomew Massacre—Revocation of the Edict of Nantes—Holy Inquisition—Valleys of Piedmont—Vaudois Huguenots—The Principle in all Persecutions in all Ages—Missouri Not Behind—Different Oaths in Missouri—Their Civil, Legal and Moral Effect—Culminate in the New Constitution—Incidents—Profane Sacrilege.

"Test oaths" and "oaths of allegiance," so called, figured so conspicuously in the late civil war, and subsequently in the persecutions of ministers of the gospel in Missouri, that the history of those times would be defective without some notice of their philosophy and history.

An oath is a solemn affirmation or declaration, made with an appeal to God for the truth of what is affirmed—a solemn invocation of a superior Power who is believed to be acquainted with all the secrets of the heart, with the inward thoughts as well as the outward actions, to witness the truth of what is affirmed, and to visit his

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vengeance upon the person making the invocation if the declaration is false, or the promise is not fulfilled. It implies a belief in the existence, omniscience, omnipresence, purity and justice of God, and in the doctrine of future rewards and punishments, according to his revealed will, and is designed to bind the enlightened conscience to the truth according to this faith. At least such is its meaning among Christian people and those who use the Holy Bible in its administration.

To swear falsely is called *perjury;* and this is considered the worst of crimes.

"When truth is violated under oath, the crime is called perjury. The considerations that determine the turpitude of the crime of perjury are the following: (1) The very strong and solemn obligations which are violated by the perjured man exhibit, to some extent, the fearfulness of his crime. These obligations to tell the truth are voluntarily assumed when he takes the oath. (2) Perjury is the grossest insult and the most impious defiance that can possibly be offered to Almighty God. It is the worst form of blasphemy—the more heinous as it is attended with the greater solemnity; and it is the highest irreverence of which man can be guilty. (3) Perjury is universally ranked among the worst of crimes, and this universal voice is strong proof of its turpitude. It is a *deliberate* crime. It is also a most reckless crime. The dignity of human nature, the nobleness of truth and the honor of God are alike disregarded by him who dares to stain his soul with the crime of perjury."*

*Rivers' Moral Philosophy.

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Oaths are of two kinds—judicial and official; and for all ordinary purposes of civil administration these are sufficient. But for such extraordinary times as are here to be considered, many oaths were required which were neither judical nor official.

The judicial oath is required to secure the administration of justice according to law: as when a witness in court swears that he will "tell the truth, the whole truth, and nothing but the truth. So help me God."

The official oath is the solemn affirmation of the man that all the duties connected with his office shall be performed faithfully and to the best of his ability.

In a country and amongst a people where the administration of justice and the faithful discharge of all official duties are sanctioned, if not secured, by a solemn and reverent appeal to the retributions of eternity, according to the principles of divine justice and the revealed conditions of the gospel of Jesus Christ, there must exist a strong, as well as an universal faith in the fundamental doctrines of Christianity; and this faith enters largely and profoundly into the elements of national character. The recognition of Christianity in the administration of every department of the government, in the oath of office, and in the forms of judicial procedure undeniably attest the value of Christianity, not only to the public conscience, but to the safety and security of all the blessings to be secured to the citizen under a wise and humane government. Christianity is not only a distinct element of national character, but a distinct institution of the State; and, as such, it eminently conserves the peace, the purity and the righteousness of the civil administration.

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The judicial, the official, and all other religious oaths required or resorted to in the administration of the civil government, are made necessary by the humiliating fact that *men will lie.* It is presumed, at least, that they will lie, as they have been known to lie, when their interest will be served or secured by falsehood. But the State needs the truth; and "the truth, the whole truth, and nothing but the truth," is necessary to the administration of impartial justice to all its citizens. To secure this important result the State appeals to the solemn sanctions of Christianity and to the office of the enlightened christian conscience. It is assumed that the truth lies between every man's conscience and his God; and in order to bind his conscience to the truth it is only necessary to require him, under some official sanction, to make a solemn appeal to the retributive justice and purity of the Judge of quick and dead. No one will question the incalculable benefit that has accrued to the highest interest of the State and the citizens of the State from this appeal to the solemn sanctions of Christianity, and no one will hesitate to believe that it is liable to the grossest abuse.

If the religious conscience is to be bound to the truth by an appeal to the retributions of eternity, then when a man solemnly invokes the Divine help and blessing upon him according to the truthfulness of his affirmation, or the Divine wrath and vengeance if his affirmation be false, it is considered the strongest presumptive evidence of its truthfulness; and yet the State has sought to supplement the religious conscience by enacting the severest penalties for perjury.

From this view of the nature and philosophy of

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judicial, official, and all other oaths used in the administration of human governments, it is plain that a solemn oath to bind the conscience to the truth should never be treated with levity or irreverence, and should never be resorted to except for the gravest purposes, and in the most solemn manner. Indeed, it may well be considered whether a proper respect and reverence in the public mind for the Supreme Being have not been greatly damaged, if not destroyed, by the unnecessary frequency, the profane levity and positive blasphemy attending the administration of oaths. It may not be out of place here also to submit for grave consideration the thought that possibly the religious sanctions of the oath may be wholly vitiated by the place, the time, the occasion, the circumstances, the persons or the spirit, where, when, for what, and by whom the oath is administered. Certain it is that the righteous Ruler of the Universe does not commit the administration of His government, in its ultimate decisions, to the whims and caprice of every petty official who may happen to have a little brief human authority. It is obvious to the reflecting that during the late war the public conscience was first outraged and then debauched by the constant and irreverent appeals to the Almighty made by and required of the most blasphemously wicked men, and with the most profane levity, to enforce the measures of petty tyranny and oppression, and to justify and sanction the plunder, pillage, arson, rape, murder, and all the other horrible and wanton crimes which have forever disgraced the conduct of barbarians and savages. In this fact the country has suffered a grievous wrong and an irreparable damage.

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The "Father of his Country" foresaw the danger that would result from such a state of things and left for our admonition the following wise counsel: "Let it simply be asked, where is the security for property, for reputation, for life itself, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." It does not require the wisdom of Washington to discover that official and judicial corruption, as well as the loss of private, social and public virtue, is, in a great measure, the baneful result of the reckless and utter disregard of the "religious sanctions" in the thousand and one "test oaths" and "oaths of allegiance" administered during and since the late war.

The form of the oath is conventional and arbitrary. Dr. Paley says: "The forms of oaths, like other religious ceremonies, have in all ages been various, consisting, however, for the most part, of some bodily action and of a prescribed form of words." Among the Jews the person taking an oath would hold up his right hand toward heaven, as the action or gesture suited to an invocation. This form is still retained in this and in several other countries where Christianity is recognized as a national institution. Among the Jews, also, an oath of fidelity was taken by the servant putting his hand under the thigh of his lord. Among the Greeks and Romans the form varied with the subject and occasion of the oath. In private contracts, for instance, the

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parties took hold of each other's hands and swore to the performance of the contract, or they touched the altar of the god by whose divinity they swore. On more solemn subjects they killed a beast and offered it to the divinity to whom they appealed. In Christian countries the forms vary. In no country, perhaps, in the world is the form so badly contrived, to secure either the object or the religious sanctions of the oath, as in this country. The juror or witness, with his right hand raised, or placed upon the Bible—sometimes one, sometimes the other—listens inattentively to the magistrate or clerk as he mechanically repeats the form of the oath. At the conclusion, the person swearing is not always required even to say, "So help me God," but the officer repeats it for him, at the same time holding the book indifferently to his lips for his irreverent kiss. The oath could scarcely be administered in a manner more certainly to destroy its solemnity, sanctity and felt sense of religious obligation. The frequency and levity of it has created a general inadvertency to the sacred obligations of an oath, which, both in a religious and political point of view, is much to be lamented. It may well be a matter of grave public consideration whether the policy and forms of oaths in this country should not be revised, and, if possible, restored to a place of high and solemn authority in the civil administration.

The history of "test oaths," and the service they have performed in religious proscription and persecution, is a very curious history. It is not an invention of the nineteenth century, and peculiar to the religious aspects of the war in Missouri. To require men to

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swear allegiance to some worldly prince or power, in order to find a pretext for their persecution for righteousness' sake, is as old as persecution itself and as arbitrary as human caprice. The principle of the test oath was in the decree of Nebuchadnezzar, which required all his subjects, at the sound of certain instruments of music, to fall down and worship the golden image which "he set up in the plain of Dura, in the province of Babylon." The case was differently put, but the test was the same. The king and his princes, governors, captains, judges and counselors were not so much concerned about the loyalty of the Jews as they were to frame a pretext for the persecution and removal of certain good men who had been "set over the affairs of the province of Babylon, Shadrach, Meshach and Abednego," by submitting a test of loyalty which the religious conscience of these men would spurn, and which they foreknew would furnish a pretext for their destruction. Neither the wrath of the king, the fury of his counselors, nor the "furnace heated one seven times more than it was wont to be heated," could move these "three Hebrew children" from their fidelity to God in his supreme authority over their consciences. In all other respects they acknowledged the rightful authority of the king, and were more loyal than their accusers; but when the king required them to do that which God had forbidden, they refused, and God approved their course by preserving them from the flames, so that the "fire had no power upon their bodies, nor was an hair of their head singed, neither were their coats changed, nor had the smell of fire passed upon them."

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The same principle is still differently put in the decree of King Darius, which prohibited the asking of any petition of any god or man, save himself, for thirty days, under penalty of being cast into the den of lions. This decree, like the one of Nebuchadnezzar, made that an offense which was not an offense before, and thrust the test of loyalty to the king between the conscience and God in order to obtain an excuse for the destruction of a heaven-favored man, against whom, according to their own testimony, they "could find none occasion nor fault; forasmuch as he was faithful, neither was there any error or fault found in him." All the ingenuity of malice and the inventions of envy could not frame an accusation against him. "Then said these men, we shall not find any occasion against this Daniel, except we find it against him concerning the law of his God." True, O king! and these cowardly counselors of Darius and craven conspirators against Daniel faithfully type the instigators of religious persecution in all ages and countries. We can find no fault in him concerning the king or the State. He is as loyal as the best of us, and has done more for the government than all of us put together. His record is true; and if we find anything against him at all, it must be "concerning the law of his God." We must flatter and cajole the king so that he will not suspect our real design, and get him to sign a decree so carefully worded that its nature and effect will not be detected; for while it really and legally makes that a capital crime which was never before even a misdemeanor, it must be done in the ostensible interest of loyalty and allegiance to the king. They succeeded

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admirably, as they thought, and "King Darius signed the writing and the decree." Now, then, we will see what effect this decree will have upon him "concerning the law of his God." Mark the result! "Now, when Daniel knew that the writing was signed, he went into his house, and his windows being open in his chamber toward Jerusalem, he kneeled upon his knees three times a day and prayed, and gave thanks before his God, as he did aforetime."

That was just what the conspirators wanted. The test was sufficient. They now could accuse him boldly before the king. But the "king was sore displeased," not with Daniel, but "with himself, and set his heart on Daniel to deliver him; and he labored till the going down of the sun to deliver him." But he was too late. *Their* purpose was accomplished. The king was only their go-between. In vain he fasted the live-long night, while "his sleep went from him." Before they could reach the den of lions with the faithful old prophet, God had dispatched the angels to close the mouths of the half famished beasts so that they could not harm the Lord's anointed.

Human nature is the same, and the history of persecution can do but little more than repeat itself. The Jewish Sanhedrim commanded Peter and John "not to speak at all, nor teach in the name of Jesus. But Peter and John answered and said unto them, whether it be right in the sight of God to hearken unto you more than unto God, judge ye; for we can not but speak the things which we have seen and heard." They were again arraigned before the Sanhedrim, who said unto them, "Did we not straightly command you that ye

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should not teach in this name?" But they answered, "We ought to obey God rather than man." The test was different, but the principle was the same.

The first persecution of Christians under Nero, A. D. 67, was characterized by similar tests. This first and most heartless persecutor of Christians is said to have "refined upon cruelty and contrived all manner of punishments for Christians that the most infernal imagination could invent." Paul, and Peter, and Erastus, and Aristarchus, and Trophimus, and Barsabas, and Ananias, and each of the seventy, were among his victims.

During the persecution under the Emperor Domitian, A. D. 81, the veritable "test oath" was used with the most shocking results. Says the historian: "Another hardship was that, when any Christians were brought before the magistrates, a test oath was proposed, when, if they refused to take it, death was pronounced against them; and if they confessed themselves Christians the sentence was the same."

It is needless to follow the history of martyrdom in its several succesive stages, under the system of civil and political "test oaths;" yet one other instance which occurred in the olden times is so appropriate that it must not be omitted.

When Maximian was Emperor of Rome, A. D. 286, a great rebellion broke out in Burgundy, and threatened the revolt or secession of Gaul from the dominion of the Roman empire. The Emperor ordered his army into Gaul to put down the rebellion. There was a legion of men 6,666 strong, called the "Theban Legion," commanded by Mauritius, Candidus and Exuperius, all

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Christians, who had been quartered in the East, but now were ordered to join the grand army in Gaul. They promptly obeyed orders, climbed the Alps, hung for a time like a burnished cloud upon their peerless hights, and descending into Gaul, joined the Emperor.

Before joining battle with the insurgents, Maximian ordered a general sacrifice to the god of war, in which the Theban Legion refused to participate, because it was idolatry. The Emperor then required his whole army to take the oath of allegiance to him, and swear at the same time to assist in the extirpation of Christianity from Gaul, upon the assumption that Christianity was a conspicuous element in the rebellion, and that all Christians were constructively disloyal. This noble legion of Christian officers and men firmly refused to take such an oath. This refusal so greatly enraged the Emperor that he ordered the legion to be decimated; that is, every tenth man to be selected from the rest and put to the sword. The legion was still inflexible, and a second decimation was ordered, and every tenth man surrendered his life for a principle. This second severity made no more impression than the first. The survivors stood in solid column, nor yielded, nor wavered in fortitude or principle. By the advice of their officers they drew up a loyal remonstrance to the Emperor, and every man's name went down on it, pledging his loyalty to the King and fidelity to the Roman ensign. This even did not soften the Emperor, but only hardened his heart. He was so enraged at their perseverance and unanimity that he commanded a third, and a fourth, and a fifth decimation, and thus the work of "death, death, and death" went on until the last man

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of that inflexible legion went down to rise no more, except in the holy cause and the undying principle vindicated in their death, sanctified through their blood and made immortal in their Christian courage and sublime heroism. United in life, in death they were not divided. Transferred from the East across the Alps into Gaul, and from Gaul across the "last river" into the city of the New Jerusalem, that legion is still marching on.

Neither the persecution of Christians nor the "test oaths" as convenient instruments of persecution remained with pagans, or departed from the world with pagan countries.

The Waldenses in France furnish a history of persecution, under the application of inquisitorial tests, authorized by Pope Innocent III, which has rarely been surpassed for cruelty in any country or age. This persecution originated what is known in history as the "Holy Inquisition." Then followed the persecution of the Albigenses, who lived in the romantic province of Albi, France, from which they derived their name, and who were condemned by the Lateran Council, by order of Pope Alexander III.

Then follows the "Bartholomew Massacre," at Paris, in 1572, which extended to Orleans, Meldith, Lyons, Toulouse, Rouen, and many other places, until many thousands of all ages went down in that sea of blood.

The Revocation of the Edict of Nantes, under Louis XIV, October 18, 1685, opened afresh the cruel persecutions and applied to the consciences of men the severest tests. The firmness and moral heroism of the Huguenots made the period sublime. From equal

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rights in every respect, civil and religious, with all other subjects, secured by the good Henry the Great in the famous Edict of Nantes, in 1598, which they had enjoyed for nearly a whole century, the Protestants found themselves suddenly deprived of all rights, civil and religious, expelled from all offices, trades, privileges and employments, and denied even the common charities and sympathies due to the sick and helpless, with the king's dragoons quartered upon them in every place; and all this, too, by the decree of a king who was indebted to the arms of these very "heretics" for his establishment on the throne. They endured all things for conscience sake, and when they were called up in every parish before the civil authorities and required to take a solemn oath that they would renounce their heresy and henceforth be faithful Catholics, the brave old Huguenots firmly replied, "We are ready to sacrifice our lives and estates to the king, but our consciences being God's, we can not so dispose of them."

The "Holy Inquisition" repeated the test oaths and augmented the persecutions in every papal country, the history of which forms the bloodiest record of the "dark ages."

The valleys of Piedmont had sheltered a few Waldenses, and the eternal hights and fastnesses of the Alps had housed and homed the Vaudois Christians, where God preserved a few thousand who had not bowed the knee to Baal nor the head to the guillotine.

They kept their faith pure, their consciences free, and their hearts warm. They lived, and grew, and multiplied exceedingly, and kept their altar fires ever

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bright with holy sacrifice to God, until the jealousy of their old enemies was aroused, and their old persecutors hunted them out, and by every appliance of cruelty and torture sought to induce them to take an oath solemnly renouncing their faith and returning to the Church of Rome. The parliament of Turin sent deputies to the valleys of Piedmont, with formal propositions to this effect, which had the approval of the Pope, the King of France, and the Duke of Savoy, and, as a consideration, pledged them their lives, their liberty, their houses, possessions and lands, without further molestation. To which the Waldenses made this noble reply—

"First, That no consideration whatever could make them renounce their religion.

"Second, That they valued the approbation of the King of kings, who reigns in heaven, more than any temporal power; and,

"Third, That their souls were of more value than their bodies."

The same facts substantially were developed in Italy, Spain, Bohemia, Germany, England, Scotland, and in the early history of America. In fact, every country and age marked by religious persecutions presents in some form, and as a conspicuous feature in the methods of persecution, the system of religious or political test oaths; and hence it is again affirmed that the "test oaths," and "oaths of allegiance," so called, are not the invention of the nineteenth century, nor peculiar to the State of Missouri, only in their application to ministers of the gospel and others as a convenient pretext for proscription and persecution for conscience sake. Even

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the authors of the New Constitution can not plume themselves upon the originality of its "test oath," however much they may merit distinction in other respects.

Truth will not be sacrificed to the beauties of hyperbole, to affirm that the State of Missouri, in both her civil and military departments, was not a whit behind her sister States in devising, concocting, inventing, framing, prescribing, requiring, enforcing and filing "test oaths," and "oaths of allegiance," so called, during and since the war. And in no State or country, perhaps, have civil and military oaths been so often changed, revised, altered, amended and reconstructed; and this, too, by military commanders, State conventions, legislatures, civil courts, military courts-martial, provost-marshals, post commanders, scout captains, squad lieutenants, orderly sergeants, civil magistrates, notaries public and common soldiers, almost at pleasure and indiscriminately. Besides the "convention oath" which every voter, officer, trustee, director, curator, lawyer, minister, juror, witness, and all other citizens who claimed the privileges of citizenship had to take, we had the "Halleck oath," in "General Orders No. 29;" the oath prescribed by an Act of Congress, approved August 6, 1861; the famous "Rosecranz oath," in "General Orders No. 61;" another State convention oath; and still another provided by an Act of the General Assembly, approved March 23, 1863. And how many more devised, prescribed and enforced by commanders of sub-military districts, petty provost-marshals, A. A. Generals, colonels of scouting regiments, and petty subalterns in temporary authority, it would be impossible to enumerate. Indeed, there were so many,

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and they were so different one from the other, and so often reconstructed, that the best moral philosopher could not analyze or classify them. Oaths prescribed by Congress; oaths prescribed by State conventions and by the State Legislature; oaths prescribed by the military department commanders; by district commanders; by post commanders; by the P. M. General; by A. P. M. Generals; by district and post provost-marshals; by scout and brigand commanders; and sometimes by common soldiers: and each varying in some particulars from the others—no two alike—some general, and some particular in their application. Some requiring a man to swear to one thing, and some to another—and, not unfrequently, a different thing. Some administered by one class of officers, and then the same oath required by another class. Some written, signed, duplicated and filed, and others oral and not filed. Some in printed forms and given to the person taking it to protect his life and property, and often to be disregarded and trampled upon by the first squad of soldiers that happened to see him and desire his property.

In many instances the oath itself was not enough, and the person taking it was required to enter into heavy bonds, with good security, for the faithful performance of the conditions of the oath, and not infrequently give a deed of trust, or mortgage his property, real and personal, to bind him to his oath. In hundreds and thousands of instances military officers would declare the bond forfeited, without so much as the semblance of a trial, and proceed, *nolens volens*, to seize the property and administer on the estate. In

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this way many a man found himself stripped of every thing he possessed in a day, and his wife and children beggared for life.

A refusal to "take the oath" was assumed to be evidence of guilt of some kind, and no protestations of innocence or qualms of conscience could shield the victim. A provost guard, a filthy prison, upon the roughest fare, for months and years; the forfeiture of all the rights of citizenship, expatriation, the confiscation of all property, real and personal—all, and much more, could not atone for such an offense. Thousands of good men, with many ministers of the gospel, went to prison, or into exile, and many of them from prison cells and prison hospitals to their graves, for *no other offense* than that of refusing to take the oath. Old men, who were too infirm to bear arms, were arrested by rough soldiers, torn from their homes and families, and "thrust into the inner prison" with common felons, from which some of them were brought out only to be buried, for no cause under heaven but refusing to take an oath from some shoulder-strapped tyrant who desired to vaunt his little brief authority and support his vanity and loyalty by cold, savage inhumanity.

This oath business in Missouri made a remarkable history, and was made the pretext for unnumbered and nameless wrongs and outrages upon the non-combatant population. By it men were deprived of property, liberty and life; directors of corporations controlling millions of dollars, curators of colleges, trustees of literary institutions and churches, were divested of rights and deprived of their trusts; and many county and municipal officers, both ministerial and judicial, were

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vacated by the oath; the rights of property were disturbed, legal guarantees disregarded, and real estate held in trust for corporate, educational and benevolent purposes passed from the hands of the lawful owners, and was appropriated to the uses of others, who had no more right to it than the South Sea Islanders. Indeed, the test oaths of Missouri were made to perform so many military, political, civil, judicial, legal, personal and ecclesiastical feats that property rights became confused, the three co-ordinate branches of the State government interfused, the rights of citizenship were all disturbed, the whole system of civil jurisprudence was revolutionized, the public conscience was debauched, and the solemn religious sanctions of the oath were all destroyed. Made to play such tricks, and capable of such marvelous freaks in the hands of politico-religious necromancers, it is not surprising that it was incorporated at last into the fundamental law of the State in its extremest, boldest and most reckless form. The whole system of "test oaths" culminated in the New Constitution. Before that instrument was adopted "test oaths" and "oaths of allegiance," so-called, became so common, and men had to take them so often, and for so many purposes, that it was no uncommon thing for men, in half serious jest, to close up the day by counting over carefully the number of oaths taken to find out which was taken last. "Good morning, neighbor; your last oath?" was a rather significant salutation, and by no means infrequent in some portions of the State.

Old man Ricketts, who kept a hotel in Fayette, Howard county, was frequently heard to say that whenever

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he saw a blue coat with shoulder straps or yellow tape on the arm coming, he began to hold up one hand and remove his hat with the other, so that he would be ready to "swear."

It is difficult to escape the conviction that the system of test oaths, as practiced in Missouri, was a profane sacrilege, for which eternity alone can reveal and measure the awful responsibility. "Wo unto the world because of offenses. It must needs be that offenses come, but wo unto that man by whom the offense cometh."

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CHAPTER III.

THE "ROSECRANZ OATH"—ST. CHARLES COLLEGE.

The Rosecranz Oath—Its Design—Ecclesiastical Bodies Put Under Military Surveillance—The Power Behind the Throne—Session of the St. Louis Conference, in St. Louis, March 23, 1864—General Rosecranz Undeceived—Missouri Conference at Mexico—Difficulty with the Provost-Marshal—Preachers "Sworn In" at Troy and other Places—The Missouri Synod, October, 1864—Church Division on the Oath—Religious Liberty Struck Down—Rights of Property Transferred by a Political "Test Oath"—St. Charles College—Its History—Chartered in 1837—Endowed by Collier and the M. E. Church, South—Seized by Arnold Krekel, December, 1862—The Act of March, 1863, Requring the Curators to Take and File an Oath in Eight Days or Vacate—The Act of December, 1863, Creating a New Board—The M. E. Church *particeps criminis* in the Fraud—Suit Brought in 1867 to Recover Possession of the Property—Able and Successful Argument of Col. E. A. Lewis before the Supreme Court—Judgment of Ouster—Property, with all Fiduciary Trusts, Restored to its Rightful Owners, January 30, 1870.

Perhaps the boldest and most direct effort to strike down religious liberty and subordinate divine to human authority by military power during the whole war was what will ever be known in history as the "Rosecranz Oath," in General Orders No. 61. If General Rosecranz was responsible for that Order, and had done nothing else to render him famous in the history of those times, his name would not perish from the earth as long as the history of religious proscription could furnish lessons to the Church of Jesus Christ, vindicate the rights of conscience in matters of faith and worship,

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and give to pious execration the names of Montmorenci and Rosecranz.

Facts, however, that were developed in the application of Order 61 relieve him, at least, of the responsibility of its instigation; while the Haaman who really plotted and planned the daring treason against religious freedom may not be so successfully discovered and justly hanged as was his prototype. The history of religious proscription and intolerance will ever associate the name of Rosecranz with that chapter of it made by his famous Order; and posterity will ever hold the man responsible, while his cruel counselors will not escape the righteous judgment of heaven.

A full history of the "Rosecranz oath," promised elsewhere in this work, will appropriately follow the chapter on oaths, and furnish a sad illustration of some of the positions taken and conclusions drawn.

In the early spring of 1864 arrangements were made to hold at an early day the sessions of the St. Louis and Missouri Conferences of the M. E. Church, South, the Missouri Synod of the Presbyterian Church, and some other ecclesiastical bodies.. The Conferences above named had not met regularly for several years, because of the troubles in the State, and especially the deep-seated and wide-spread prejudices created by designing men against Southern Methodist ministers and the proscription and persecution they were called to suffer. As orderly and quiet citizens, and as ministers and messengers of peace, they, with singular unanimity and prudence, abstained from every thing that would provoke the hostility of enemies or excite the fear of friends. They did not assemble in Conferences, or even

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in the inferior Church courts, but remained at home for the most part, when permitted, and labored as occasion served for the glory of God and the good of souls—many of them had betaken themselves to agricultural and other pursuits for support. The same is true, to some extent, of other churches and ministers that were in the same political condemnation. But when the theatre of war had been removed so far from the border, and Missouri became more quiet, these ecclesiastical bodies were convoked and were preparing to assemble quietly and peaceably to attend to their legitimate church business, when some Western Machiavelli, with diabolical intent and ingenuity, conspired against the peace of Christian ministers and the religious liberties of the citizens of the State. Such a conspiracy against the rights of conscience did not originate with the military authorities, as was subsequently revealed, but was a part of the general scheme of proscription and persecution designed to rid the State of all ministers of the Gospel who were not in sympathy with the politico-religious fanaticism of the times. General Rosecranz and his subordinates were used by these conspirators, as President Lincoln, Mr. Stanton, and others high in authority had been. Should the whole history of these events ever be written, the unprejudiced judgment of posterity will hold, not the throne, but the power behind the throne, responsible for the depth and damage of the wrongs thus inflicted upon the body of Christ. Religious liberty was struck down by one dash of the pen; the rights of conscience outraged upon false pretenses, as will hereafter appear. The Master betrayed in the

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house of his friends, and the cowardly conspirators sheltered behind shoulder straps.

The reader, however, can form his own judgment after carefully perusing the following "Order" and subsequent facts:

"*Important Military Order Concerning Churches.*

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE OF THE PROVOST-MARSHAL GEN'L,
ST. LOUIS, March 7, 1864.

"Special Orders No. 61.]

"7. While it is the determination of the General commanding this Department that due protection shall be given within its limits to all religious convocations which may assemble to promote the cause of religion and morality, whether convening as Conventions, Synods, Ministeria, Assemblies, Conferences, Councils, or under any other name or title, the interests of the country at the present time require that no such assemblages of persons, whose proceedings would be disloyal, and tend to foment discord and encourage rebellion, should be permitted. It is right and proper, therefore, that all members of such assemblages should give satisfactory evidence to the public of their loyalty to the Government of the United States, that their patriotism may be known, and that they be distinguished from those who seek its overthrow.

"8. It is, therefore, deemed expedient, and hereby ordered, as a condition precedent to such privilege of assemblage and protection, that each and every person attending such Convention, Synod, Ministerium, Assembly, Conference, Council, or by whatever name it may be called, and participating in the proceedings

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thereof, shall take and subscribe to an oath of allegiance, and file the same in the office of the Assistant Provost-Marshal of the locality in which the Assemblies are held.

"9. It is hereby made the duty of all such assemblages to ascertain, before proceeding to organize and transact business, those who have taken, subscribed and filed the required oath, and permit only such to participate in their proceedings; and in case any such assemblage shall neglect or refuse so to do, or shall knowingly permit any one who has failed to comply with the requirements of this Order to participate in its proceedings, it will be deemed a military offense, for which its members may be held amenable; and any Provost-Marshal present shall immediately order the assemblage to disperse, and prevent the continuance of its proceedings.

"10. The form of the oath of allegiance to be taken, subscribed and fixed as aforesaid shall be in these words:

"OATH OF ALLEGIANCE.

"I, ——, of —— County, State of ——, do hereby solemnly swear that I will bear true allegiance to the United States, and support and sustain the Constitution and laws thereof; that I will maintain the National sovereignty paramount to that of all State, County or Confederate powers; that I will discourage, discountenance and forever oppose secession, rebellion and the disintegration of the Federal Union; that I disclaim and denounce all faith and fellowship with the so-called Confederate armies, and pledge my honor, my property

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and my life to the sacred performance of this my solemn oath of allegiance to the Goverment of the United States of America. —— ——.

"Subscribed and sworn to before me, this —— day of ——, 1864, at ——.

—— ——.

"Witness: —— ——, of ——.

"11. District Provost-Marshals will give their immediate and special attention to the enforcement of this Order in their respective districts, and enjoin upon each Assistant Provost-Marshal the duty of attending all such assemblages which may be held in his locality, advise those assembled of this Order, and enforce its directions. And they will also report immediately to these Headquarters all cases of neglect or refusal, giving a full description of the character of the assemblage, the names of those present, and an account of its proceedings.

"By command of Major General Rosecranz.

"J. P. SANDERSON,
"Provost-Marshal General."

It will be seen that this order bears date of March 7, 1864. The St. Louis Conference, M. E. Church, South, had been called by Bishop Soule to assemble in St. Louis, March 23, 1864, and the Missouri Conference at Mexico two weeks later. The Missouri Synod of the O. S. Presbyterian Church had been called to meet in St. Louis, in October, 1864, and the State Baptist Association at Boonville, 1864, besides other religious bodies to assemble the same year.

When the St. Louis Conference met in St. Louis, March 23d, the ministers held an informal consulta-

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tion upon the nature and bearing of the Rosecranz Oath, and what course was proper to pursue under the circumstances. The result was, the designation of a committee, consisting of Rev. Dr. J. Boyle, Rev. F. A. Savage and Rev. ——, to wait on the General commanding, acquaint him with all the facts, and see what could be done. They appeared at the General's headquarters without delay, informed him that the members of the Conference then assembled were all citizens of the State of Missouri, and had been during the war; that they were peaceable, law-abiding ministers of the gospel, and had met solely for ecclesiastical purposes; that the majority of them had previously taken the oath of allegiance to the government of the United States and the State of Missouri, and that the session of the Conference was intended purely for Church purposes. The General manifested considerable surprise, and informed them frankly that he had been misinformed; that, according to his information, an appointment had been made for a Conference ostensibly for ecclesiastical purposes, but really and truly to aid the rebellion by bringing the rebel leaders of Tennessee, Kentucky, Arkansas and the States further South, as far as they could be reached, together, and in consultation with the leading rebels from all parts of this State; that the object was to further the interests of the rebellion, and should by all means be stopped.

General Rosecranz asked to see a copy of the order, and even expressed his surprise at its nature and conditions, saying that he had informed the Provost-Marshal General of the nature of the convocation, according to his impressions, and that great mischief might be

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done under cover of such assemblies, and instructed him to issue an order that would forestall the danger. He had not before read the order. He told the committee that the case was greatly altered by their statement; and if the members of the Conference were citizens of this State, and had previously taken the oath of loyalty, nothing further should be required of them. If the members of the Conference would unite in a certificate to that effect, and send the certificate to his headquarters, they should be protected in their rights and privileges, and not be molested under this Oath.

The mind of Gen. Rosecranz was disabused of a gross, malicious error; the enemies of the M. E. Church, South, and of all religious liberty, were defeated; the Conference convened, transacted its business; the preachers received their appointments, and went to their work rejoicing that they were counted worthy to suffer for Christ, and knowing not what trials, proscriptions and persecutions of a fiercer character awaited them in the ominous future.

The Missouri Conference assembled, also, at the appointed time and place, and had to meet the same difficulties. The Provost-Marshal at Mexico wanted to set aside the action of General Rosecranz in the case of the St. Louis Conference, and "swear in" the Conference before he would permit them to organize. An appeal was again made to the Major-General commanding the Department, and after a sharp word to word conflict between the impertinent official at Mexico and Rev. P. M. Pinckard and others of the Conference, who had applied to and were sustained by the General commanding, the Conference was permit-

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ted to assemble and transact its business under the surveillance and treacherous espionage of the low tools of designing men.

In Troy, Lincoln county, and in many other places of the State, local Provost-Marshals and other military officers interrupted primary Church courts, and required ministers of the Gospel and other Church officials to take the Rosecranz oath before they could meet to transact the simplest Church business, or disperse and leave the Church to suffer damage.

In the Synod of the Presbyterian Church in St. Louis, October, 1864, this unrighteous oath created serious difficulty, and if it did not create, it at least precipitated the division of that body and Church in this State. The members of the Synod who were Radical in politics hastily swallowed the oath and then leagued with the military authorities to oust from their seats and eject from the body those who preferred Christ as the Head of the Church to Cæsar or Rosecranz, and who would not transfer their allegiance to the Lord Jesus Christ as the supreme authority over the conscience to any temporal, worldly, human power.

The oath-bound iron-clad ministers and elders managed, with the help of shoulder-straps, to obtain possession of the books and records of the Synod and to organize and transact the business in their own way. The Rev. Drs. Brookes, Anderson, Farris, and many other leading ministers of the State, with many of the elders, arose and withdrew from the body, leaving a solemn protest against the unauthorized and high-handed usurpation of ecclesiastical power by military authority and the truckling submission to that usurpation by

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the Radicals — a protest that has done as much service in the cause of a pure, unsecular Christianity as it did credit to their heads and hearts. They were sustained by their Church in Missouri, and by the enlightened public sentiment of the whole country, in this their solemn declaration and testimony.

These gentlemen were not even permitted to claim their seats and exercise the rights under the Constitution of the Church in the Presbytery of which they were members, and which was a constituent part of the Synod. It will be seen elsewhere that when Rev. Dr. Farris claimed his seat in the Synod, by virtue of his membership in the Presbytery and the fundamental law of the Church, in order to see whether the Radical members of the Synod would obey the Constitution of the Church or the order of a military dictator, they set at naught the Church Constitution, put Rosecranz' order above the authority of Christ, and had Dr. Farris *arrested* in the house of God, by a deputy Provost-Marshal kept there to "swear in" the ministers and elders, and thus qualify them for the transaction of the business of the Church of Jesus Christ. Other ministers in other places had to submit to the same, and sometimes greater humiliation for daring to "obey God rather than man."

The Church in Missouri has not yet recovered from the effect of this General Order No. 61, and will not for years to come, if ever.

It was, indeed, a daring and a reckless strike at the most sacred liberties of the people and the blood-bought privileges of religious institutions. It was a bold advance of the sword toward the soul and centre

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of all civil and religious freedom, to pinion its life, and wreck the whole frame-work of American constitutional religious liberty.

It has been affirmed, that by the operation of the system of "test oaths" in Missouri much property held in trust for corporate, educational and benevolent purposes passed out of the hands of the legal owners and fiduciary holders and directors, and were appropriated and used by others who had no more legal rights to the property than the South Sea Islanders.

Many of these pages could be filled with practical illustrations and humiliating evidences of the fact. But the case now to be noticed must be sufficient.

St. Charles College.

In the year A. D. 1835 Mrs. Catharine Collier and her son, George Collier, founded St. Charles College; the latter purchasing the grounds and erecting the necessary buildings in the then village of St. Charles, Mo., at a cost of ten thousand dollars, and the former setting apart five thousand dollars for an endowment fund. Upon the completion of the building, in 1836, Mr. Collier secured the services of Rev. John H. Fielding as President, with three assistant professors, and put the College in active operation—for many years paying the salary of the President out of his private means. The College was afterward incorporated under the style and title of "The Board of Curators of St. Charles College," by an Act of the General Assembly, approved, Feb. 3, 1837. To the Board of Curators designated by this act of incorporation Mr. Collier conveyed the property, by deed, in 1838.

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The Missouri Conference of the Methodist Church, in 1844, loaned to St. Charles College, in aid of the endowment, the "Superannuated Preachers' Fund," amounting to seventeen hundred and eighty-five dollars and eighty-six cents, and, at the instance of George Collier and other friends of the College, began strong efforts to increase the endowment fund to twenty thousand dollars. The loan by the Conference was afterward made a donation. In order to enlarge the facilities and usefulness of the College, and interest the whole Church in the State in the endowment and patronage of the College, Mr. Collier, the founder, joined with others in asking the General Assembly to so amend the original charter as to make the concurrence of the Missouri Annual Conference, M. E. Church, South, requisite in future to fill vacancies in the Board of Curators: *provided*, the Conference would offer such assurances for the maintenance and endowment of the College "as should be satisfactory to the Board of Curators." The act so amending the charter was approved Feb. 6, 1847, but was not to take effect until the above assurance was given. In 1850 the Board of Curators formally accepted the act of 1847 as an amendment of the charter. Mr. Collier died in St. Louis, July, 1852, and by his last will provided, that, whenever the Methodist Episcopal Church, South, should deposit with the County Court of St. Charles county State bonds of any one of the States that had never repudiated her public debt, nor failed to pay promptly the lawful interest thereon when due, for the use and benefit of St. Charles College, with semi-annual interest coupons, to be applied to the current expenditures of the College, then his executors were

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required to place in the same hands a deposit of similar bonds to the same amount, and for the same uses and purposes.

The aggregate of both deposits was to be twenty thousand dollars, to remain a permanent endowment fund for the College. These deposits had to be made within ten years after the death of the testator. The Church complied with the conditions to the satisfaction of Mr. Collier's executors, and the twenty thousand dollars in Missouri State bonds now stands incorporated in the permanent endowment fund of the College. Besides this, upon the sinking of the five thousand dollars bequeathed by Mrs. Collier, and in order that her benevolent purpose should not be defeated by the blunder, Mr. George Collier placed in the hands of Hon. Trusten Polk, of St. Louis, five thousand dollars in the name of his mother, to be so invested that the interest might be used for the benefit of the College, as the other endowment fund, in perpetuity. This makes a permanent endowment of $25,000, with real estate and fixtures worth not less than $15,000.

Under the organization thus effected, and with resources thus secured, St. Charles College was kept in active, successful and eminently useful operation until the breaking out of the war and until the summer of 1861. The excitement produced by the war was so great that the few students that remained at the College were so demoralized that it was deemed advisable to suspend, for awhile at least, the College exercises. The buildings, furniture and fixtures were placed, by the Board of Curators, in charge of Rev.

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Tyson Dines, who occupied the building with his family.

In December, 1862, Col. Arnold Krekel, commanding a regiment of State militia, raised in and about St. Charles, and himself a Curator of the College, took forcible possession of the building, ejecting Mr. Dines' family therefrom and converting it into a prison for the incarceration of citizens under military arrest. From that day it passed out of the possession of its chartered Board of Curators and the Church which had contributed so largely to its endowment fund and its prosperity, and, with all of its properties and franchises, was used by others until Jan. 30, 1870, when it was turned over to its lawful owners again, in accordance with the decision of the Supreme Court of the State.

Mere military possession did not itself confer legal title, and by an act of the General Assembly, approved March 23, 1863, it was provided that all "Railroad directors and officers, bank directors and officers, all officers of incorporated companies, or of any incorporated institution," who should fail to take and subscribe a certain oath prescribed in the act," on or before the first day of April, 1863, should vacate their office as said directors or officers, and the vacancy should be filled by appointment or election under existing laws." Could there be any designs on the property and institutions of others in giving only *eight days* for "directors and officers" throughout the entire State to be informed of the passage of the act and comply with its terms? The directors and officers of many incorporated companies and institutions were ousted by the act before they even knew of its existence; and corrupt

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and designing men had a *good chance* to make large appropriations of the property and franchises of others, whether they used it or not.

In December, 1863, Col. Krekel, with others who had by this time become largely interested with him in perpetuating, under the semblance of law, the arbitrary transfer of St. Charles College and its franchises, procured the passage of an Act by the General Assembly, the material portion of which reads as follows:

"*An Act amendatory of an Act entitled 'An Act to Incorporate the Curators of St. Charles College,' approved February 3, 1867.*

"WHEREAS, A large majority of the members of the Board of Curators of St. Charles College have failed to take and subscribe the oath required by an Act of the General Assembly of the State of Missouri, entitled 'An Act relative to railroad directors or other officers, bank directors or other officers, and directors or other officers or trustees of any incorporated company or institution,' approved March 23, 1863; and

"WHEREAS, In consequence of the vacancies in said Board of Curators, the number of qualified curators has been diminished, so that a quorum for the transaction of business can not therefore be had; therefore

"*Be it enacted, &c.*, That Henry A. Clover, Charles D. Drake, Dr. M. L. Linton, Dr. John Conzelman, of St. Louis county; John Adams, Dr. George A. Buckner, Peter Hansam, W. W. Edwards, Robert Bailey, Sen., Theodore Bruere, Nathaniel Reid, Henry Borgman, Benjamin Emmons, Jr., of St. Charles county; Frederick Muench, of Warren county; Walter Lovelace, Dr. Wm. B. Adams, and James H. Robinson, of Mont-

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gomery county, together with Arnold Krekel, John Orrick and Edward A. Lewis, qualified curators of the old Board, be, and they are hereby, constituted and appointed as the curators of St. Charles College, and, as such curators, are hereby authorized and empowered to perform all the duties and transact the business of said incorporation authorized and required to be done by the Act to which this is amendatory.

"SEC. 2. Section two of the Act to which this is amendatory is hereby amended, so that hereafter five of the members of the Board of Curators shall constitute a quorum for the transaction of business."

At the May term, 1867, of the St. Charles Circuit Court, an 'information in the nature of a *quo warranto*' was filed, on the relation of a number of members of the old Board, with a view to ejecting the curators who claim to be such under the Act of December 11, 1863. This 'information' sets out at length the several Acts of the General Assembly under which both the parties claim, respectively, with the other facts constituting the legal history of the rights contended for. This method reduced the defense to the necessity of a "demurrer," since every fact was already alleged which the defendants could prove in their own behalf. A demurrer was accordingly filed by them, claiming that the facts stated in the information, if true, did not, in law, authorize a recovery against them. Other and minor grounds of demurrer were introduced, which sufficiently appear in the argument for the relators. The demurrer was sustained by the Circuit Court without argument. The case was then taken to the District Court by writ of error, where, after full argument, the demurrer was

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again sustained, Hon. G. Porter delivering an elaborate written opinion affirming the right of the defendants to hold their positions under the Act of December 11, 1863. The case was then taken to the Supreme Court by the relators, where an able argument, by Edward A. Lewis, Esq., in their behalf, was delivered at the March term, 1868.

For the material facts in the early history of the College the author acknowledges his indebtedness to Col. Thos. W. Cunningham, a substantial and long tried friend of the College and an honored member of the old Board of Curators; and for the history of the suit to recover possession, to Col. E. A. Lewis, whose able argument before the Supreme Court was published in pamphlet form and scattered broadcast over the country. This argument, which is, perhaps, the master piece of his distinguished learning and forensic ability, would take permanent form in these pages but for the fact that it is too long for insertion entire, and too compact and solid to be divided without damage.

The whole country is indebted to him for this masterly defense of chartered rights and fiduciary franchises; and the Church is indebted to him not only for the successful vindication of her rights, but for a valued and distinguished friend in her greatest time of need.

After the College with all its funded interests had passed into the possession of the new Board, and the country was thought to be sufficiently settled to justify the opening of the College, the new Board elected, and the Missouri and Arkansas Conference, M. E. Church, appointed Rev. T. A. Parker, President; and from that time forth, if not before, the Northern Methodist

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Church was a party to the fraudulent proceedings which deprived the rightful owners of their property.

If the party receiving and appropriating stolen goods, knowingly, is *particeps criminis* with the thief, the Methodist Church, North, will not escape the public verdict, since she received and adopted the College as her own, and, ignoring the claims of all others, kept the College under her fostering care until it suspended in 1868.

Rev. L. M. Vernon was also appointed by the same Conference to fill a chair in the College, and afterward became its President. In 1868, at the very time when the other institutions of learning in the State were rejoicing in recovered and paying prosperity, St. Charles College, in the hands of Rev. Mr. Vernon, suspended for want of patronage.

Even after the decision of the Supreme Court in favor of the old Board, the usurpers, under the control of Nathaniel Reid, bogus Vice-President, were very loth to turn over the property, and very ungracefully accepted the situation.

The decision of the Supreme Court is too long for insertion here, and all the material points in that decision will be sufficiently presented in the following synopsis, taken from the report in the *Missouri Republican* the day after it was rendered:

"*Supreme Court of Missouri—The St. Charles College Case.*

"The Court rendered a lengthy decision in this case, which originated as follows: The Circuit Attorney of the Nineteenth Judicial Circuit filed in the St. Charles Circuit Court an information in the nature of a *quo warranto* on the relation of David K. Pittman, Andrew Monroe, Trusten Polk, Asa N. Overall, Daniel A. Grif-

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fith, Samuel Overall, Norman Lackland, Lloyd Dorsey, W. D Fielding, John A. Talley, J. S. M. Gray, T. W. Cunningham, J. Campbell, R. B. Frayser, R. E. Bland, D. McDonald, Jno. W. Robinson, J. Atkinson, Joseph Boyle, Enoch M. Marvin, Ed. A. Lewis and David R. M'Anally, against John Adams, Geo. A. Bucknow, Peter Hansen, Robert Bailey, Sen., Theodore Bruere, Nathaniel Reid, Henry Borgman, Benjamin Emmons, W. B. Adams, Jas. H. Robinson, Henry A. Clover, Chas. D. Drake, Dr. M. L. Linton, Dr. Jno. Conzelman and Frederick Muench.

"It was charged that the defendants had usurped the office of curators of St. Charles College, and that the relators were enitled to the office. The College was incorporated on the 3d of February, 1837, being founded by George Collier. It was provided in the charter that no instruction should be given in theology, and that no regulations should be made rendering a place in its classes offensive to reasonable, liberal-minded persons, whatever might be their religious opinions. The charter was amended on the 6th of February, 1847, somewhat changing the character of the institution by placing it under ecclesiastical influences, by providing that vacancies in the Board should be filled with the concurrence of the Missouri Annual Conference of the Methodist Episcopal Church, South.

"The relators charged that the defendants usurped the office on the 1st of January, 1864, under color of authority granted by the Act of the General Assembly, approved December 11, 1863, amendatory of the Act of incorporation of the College. This amendment was never accepted by the Board, and it was in conflict with

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the original Act and the former amendment, and with the Constitution of the United States.

"The preamble of this last Act set forth that a large majority of the members of the Board of Curators of the College had failed to take the oath required by the Act of the General Assembly, approved March 23, 1863. The curators were left without a quorum to transact business, and other curators were appointed without the consent of the Board.

"Judgment was given in favor of the defendants in the Circuit Court, and it was confirmed in the District Court. The case was then taken to the Supreme Court. The latter Court held—

"1. That the Act of February 6, 1847 amending the original Act of February 3, 1837, incorporating St. Charles College, inasmuch as it materially changed the work of choosing curators and in a manner to endanger the principles of the foundation, was a violation of the contract embraced in the charter, and could not be validated by the subsequent consent of the curators.

"2. That although the Act of March 23, 1863, providing for taking the management of corporations of a public nature from the hands of those who, during the pending war, were aiding the enemy, was a lawful exercise of legislative power for the public safety in time of war, yet it furnished no warrant for the Act of December 11, of the same year, professedly founded upon it.

"3. That the relators regularly holding their places under claim of right could not be removed except by judgment at law, or by a proceeding of a judicial nature before the Board of Curators, according to the charter,

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with notice and opportunity of defense; that the Act of December 11, 1863, so far as it created vacancies, or assumed and filled vacancies not lawfully created, was an exercise of judicial power not belonging to the Legislature; that the vacancies could not be filled by that body until they were created by a lawful removal of relators, and that whatever, in our opinion, in a direct proceeding against them the judgment might be, or should be, we can not act upon that opinion until such judgment is rendered.

"We, therefore, hold that the relators should be restored to their places, to be held until resignation or removal by some lawful proceeding, and that defendants, having been appointed to fill vacancies that do not exist, are intruders, though without malice, and should be ousted.

"The philosophy of this decision, in plain words, is that individuals can not be divested of rights except by judicial process, and that, as the functions of the Legislature are manifestly legislative, and not judicial, it can not assume a person to be guilty of a crime and inflict the disabilities which attach to it. This is not a new legal and constitutional truth. It is as old as the best part of the English Constitution. In fact, it is an unquestioned maxim of law. And yet it has been so repeatedly and flagrantly violated during the past few years by the dominant party in this State that its fearless revival in the present decision makes it appear like a friend come to life whom we had mourned as lost forever. That the present Justices of our Supreme Court are indebted for their positions to the party

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which is the author of the violations that the Court is now rebuking and correcting, adds not a little to our respect for the independence with which they announce their decisions, and the learning with which they support and elucidate them."

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CHAPTER IV.

REV. ROBT. P. FARRIS, D. D., AND REV. SAMUEL B. M'PHEETERS, D. D.

A Band of Quiet Remonstrants—Their Influence Upon the Persecution—The "Fellowship of Suffering"—*Rev. Robt. P. Farris. D. D.*, Denounced in a Public Speech—Arrested and Sentenced to Imprisonment During the War, by General Merrill—Sent to Gratiot Street Prison, St. Louis—Then Banished to Chicago—Applies to President Lincoln, and by him Released Unconditionally—Arrested Again at the Instigation of Nathaniel Reid—Discharged by the Assistant Provost-Marshal—Indicted for Preaching the Gospel—*Rev. Samuel B. McPheeters, D. D.* — Character and Spirit—Vindicates his Rights as a Pastor—Ordered by General Curtis into Exile, because "His Wife was a Rebel"—President Lincoln Restores him to his Rights and Privileges—His Connection with Pine Street Church Dissolved at the Point of the Bayonet—He Appeals to the General Assembly, but the "Iniquity" is Sustained—President Lincoln's Letter—The Opinions of the Press—The Announcement of his Death, March 10, 1865.

The statement has frequently been made that ministers of the M. E. Church, South, though the greater, were not the only sufferers during the dark days of persecution in Missouri. Some of the best men and brightest lights in the Presbyterian pulpit were the victims of arbitrary power and military malice.

The Rev. Dr. McPheeters, of St. Louis, and the Rev. Dr. Farris, of St. Charles, are conspicuous amongst the living martyrs of that period of general persecution.

The Rev. Dr. S. J. P. Anderson, of St. Louis, and the Rev. Dr. Yantis, of Kansas City, did not by any means escape. Others there were who were persecuted during

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the war, but not so severely; and many of them bore a conspicuous part in the great struggle between Church and State under the "test oath" of the New Constitution after the war closed.

No ministers in the State were more fearless and outspoken in defense of the integrity of the Church of Jesus Christ, the purity of the gospel ministry and the rightful kingship of Christ as the unchallenged Head of the Church than the non-juring ministers of the Presbyterian Church. The noble stand taken by the Rev. Drs. Brookes, Anderson, McPheeters, Farris, Yantis and others against the arbitrary usurpation of ecclesiastical authority by military commanders and provost-marshals, and the sacrilegious intermeddling with the kingdom of Christ by State conventions and civil functionaries, inspired courage and confidence in the Church and ministry throughout the State, and supplied very largely the moral power that finally broke the bands of proscription, paralyzed the arm of persecution, scattered the forces of the enemy, and lodged in the public mind the most complete vindication of the purity and integrity of the Church of Jesus Christ.

The history of those perilous times would be incomplete without the honorable mention of their names and services.

The "fellowship of suffering" in a common cause makes a common history and bequeathes to posterity a common legacy in which all distinctions of sects and parties are lost. The future Church can well afford to lose sight of all sectarian distinctions in the men whose unflinching integrity in the presence of the most unfeeling persecutors, and in the experience of the severest

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persecutions, maintained and perpetuated the dearest principles of religious liberty, the rights of conscience, the freedom of worship, the purity of the gospel, the divine authority of the ministry and the rightful kingship of Jesus Christ in his Church.

REV. ROBERT P. FARRIS, D. D.

Among the most prominent victims of persecution during the war was the Rev. R. P. Farris, D. D., for many years a distinguished minister of the Presbyterian Church (O. S.) in Missouri. He was extensively known and revered by his Church in the State for his many Christian virtues, his quiet, but earnest and orderly life, his learning, energy and ability as a minister of the gospel, and his ever augmenting usefulness as one of the most diligent and successful Christian workers in the State. It is no empty compliment to his talent and worth, that from the many eminent men of his Church he should be selected as the journalist of his denomination in the West. He has been for years, and is now, the able editor of the *Missouri Presbyterian.*

When the war broke out Mr. Farris was pastor of the Presbyterian Church in St. Charles, Mo. His position and influence in the community soon attracted the notice of those in authority. At first, designing men sought to secure his influence, and, through him, the influence of his Church, in favor of the ultra partisan policy of the Administration, but he had been trained in that school of theology which taught that Christ's "kingdom was not of this world," and his ambassadors should "know nothing among men save Jesus Christ and him crucified." And he could not prostitute his

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place and his people to political purposes, whether friendly or unfriendly to the party in power.

Baffled in their designs, and unwilling or unable to appreciate the principles which actuated him in thus refusing to become a party tool, these schemers determined to accomplish his removal, and thus make room for a successor who might prove more pliant. They manufactured much cheap and cowardly abuse, which was heaped upon him without stint. They called him "secesh," "rebel," "traitor," "disloyal," and many similar epithets. W. W. Edwards, Esq., the circuit attorney, in a fourth of July oration, accused Mr. Farris of praying publicly in his Church "for Jeff. Davis and the Southern Confederacy." The Provost-Marshal —Arnold Krekel, now U. S. District Judge—after the above public accusation, ordered Mr. Farris to take an oath of allegiance and give bond in the sum of two thousand dollars. Mr. Farris paid no attention to the order, as he believed that compliance with it would be wrong, in as much as it would assume his guilt and require him to prove his innocence. The oath of allegiance itself was not enough; but they required a large money security; and this, too, from one who had never been convicted of crime, and not even arrested and arraigned for trial. No process of law had either issued or been served upon him, although the courts were open, and the course of justice, at the time, unobstructed. In 1862 certain persons already alluded to, dissatisfied because Col. Krekel would not obey their beck and serve their purposes, managed, through Brig. General Lewis Merrill, then commanding the District, to have Krekel superseded by one Edward Harding.

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In September, Harding enforced the order for the arrest of Rev. Tyson Dines and Rev. R. P. Farris, whom Krekel had allowed to remain unmolested. Dr. Farris was arrested late in the day, as he was returning from Presbytery; and after a brief interview with Harding, the latter paroled him for the night, promising to have present in the morning certain witnesses to substantiate the charges against him. Morning came. Dr. Farris and his witnesses appeared at the Provost-Marshal's office, but not one of his "loyal" enemies, such as W. W. Edwards, Nathaniel Reid, &c., was manly enough to face their intended victim. Merrill himself took the chair and interrogated Dr. Farris about loyalty, law, &c. Those who witnessed the interview were highly edified, and declared that the prisoner taught Merrill more than he ever before knew about the Constitution of his country. No notice whatever was taken of Dr. Farris' witnesses. Not a single question was addressed to any of them. But Merrill, saying that Dr. Farris had made out against himself a clear case of "general disloyalty," *sentenced him to be confined in a military prison during the war.*

It is better perhaps that the victim of such arbitrary power should tell his own sufferings in his own way.

"The same evening, with Rev. Mr. Dines and others, I was sent under guard to Gratiot Street prison, St. Louis. While I was in that place the number of prisoners was about 1000, nearly all of them non-combatants, civilians, caught up at their homes in every part of the State, incarcerated for opinion's sake, and many of them sent off to Alton military prison to make room for others in Gratiot Street.

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"When Merrill was remonstrated with for imprisoning and banishing men of the highest standing, and the most prudent, quiet citizens, whose only crime was their natural sympathy with their kindred and the people of their native South—'Damn them,' said the great and valiant General, whose bravery can not be proved by Col. Glover, of Northeast Missouri, or by the soldiers of his own command, known as 'Merrill's Horse'—'damn them, if I don't send them away, they will soon drive us out.'

"During my sojourn in Gratiot Street most of my fellow-prisoners were huddled together like cattle, night and day, in the building, for there was no yard in which they could breathe fresh air and exercise themselves. Clothing and food sent to them by friends outside were oftentimes not delivered, but used by the officers and soldiers in charge of the establishment. The food furnished to the prisoners was frequently bad in quality and always small in quantity, so that I have often seen half-famished men plunge their arms up to the elbow into the barrels in which the slops from the 'officers' quarters' were thrown and take thence the bones and greedily devour the little shreds of meat adhering to them.

"After six weeks' imprisonment my sentence was commuted to banishment to any point north and east of St. Louis, and I was released on parole, that I might make my preparations to go into exile. Awaiting Merrill's permission to return to St. Charles, in order to arrange for the comfort of my family during my absence, I remained on parole in St. Louis during a period of six weeks. In the meantime, at the sugges-

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tion and with the volunteered co-operation of Rev. F. N. Ewing, of Illinois, and Judge David Davis, of the U. S. Supreme Court, I brought my case, with testimonials from 'Union' men as to my character and conduct to the attention of Mr. Lincoln. The speedy result was the issue of a 'General Order,' covering all such cases, and Mr. Lincoln's assurance, in his own hand writing, that I would be released under said order. I presented that assurance to the Provost-Marshal General in St. Louis, and asked to be discharged from arrest. But the tremendous pigmy, Franklin A. Dick, who was at that time Provost-Marshal, treated me, his old acquaintance, with a great deal of indignity, and, after much equivocation, ordered me to go into exile at Chicago. Before going to Chicago I addressed a note to Judge Davis, at Washington City, informing him of the turn affairs had taken, and asking whether Mr. Lincoln had any authority in Missouri. The Judge promptly waited on the President, obtained a 'special order' for my unconditional release, and took pains to see that order safely through the War Department to the Adjutant-General of the Army, from whom it must come to the military authorities in Missouri. It was not long before 'Little Dick' addressed an official and remarkably respectful note to me in Chicago, 'informing me of my unconditional release from all military custody and restraint.' So, after four months' absence, I returned to my family and Church, with the President's unqualified endorsement of my 'loyalty' and of my course as a minister of the gospel.

"But I was soon disturbed again. One Nathaniel Reid, a member of my Church, but so 'loyal' that he

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could not conscientiously attend on my ministry, and so patriotic that, in manifestation of his joy over the fall of Vicksburg, he indulged in 'lager' to such an inebriating degree as to be entirely oblivious of how he got to bed that night—this fellow Reid, ugly in body as in soul, filled pages of foolscap with fearful charges against me—such as counseling somebody to poison Federal soldiers, threatening to blow up a gunboat, &c., and then forwarded this truthful, (?) Christian (?) document to that most urbane, (?) Christian (?) gentleman (?) Secretary Stanton. He remitted it to the Provost-Marshal General in St. Louis, and this official ordered my arrest; but, after a protracted interview with one of the Assistant Provost-Marshals, I was discharged without oath, bond or parole, and with the assurance that it was 'a great outrage that I was ever molested.'

"In October, 1864, a bare quorum of the Synod of Missouri held the Annual Meeting in St. Louis. In order to assemble and transact ecclesiastical business they were obliged to comply with what is known as the 'Rosecranz' Church Order'—i. e., they had each to subscribe an oath of loyalty to Cæsar, and to require such an oath of any member claiming his seat. Should they allow a member to sit without ascertaining that he had taken the oath, or without exacting it of him, they should be dispersed by the military. I claimed my seat—refused to answer whether or not I had taken the oath—claimed my seat by virtue of my membership in the Presbytery of St. Louis, one of the constituent parts of the Synod, and by virtue of the fundamental law of the Church. I desired to see whether my brethren would obey the Church's law or the command of

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a military man. They set at nought the Constitution of the Church, submitted to be governed by military order, and would not allow me to take my seat. At the same time a Deputy Provost-Marshal, who was present in the house of God to 'swear in' the ministers and elders, and thus qualify them for attending to religious business, and whose duty it was to see that the military order was obeyed, arrested me and put me on my parole 'to appear when called for.' Having never been 'called for,' I am still under arrest for presuming to go to Synod without taking the 'oath of loyalty.'

"Under the New Constitution of Missouri I was indicted in the St. Charles Circuit Court for preaching the gospel without taking the oath. The case was postponed until the succeeding term. When the day came and the case was called, as I did not happen to be in the Court House, the rascally Judge and Circuit Attorney were about entering on the record that I had forfeited my bail, as if I were afraid to stand trial. But my counsel reached the court room just in time to prevent this cowardly trick. He said that he appeared for me; that I was within call, and was ready for trial. Thereupon the officials continued the case until the next term, and then dismissed it."

The following interesting item is taken from the *Missouri Presbyterian*, edited by Dr. Farris. The not too severe reflections which accompany the publication of the "true bill" appear now eminently just, and will not fail to point an important lesson.

"*Interesting Indictment.*

"Our readers will, no doubt, be pleased to see, and

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preserve as a relic of the times, the following document, of a duly certified copy of which we are the honored recipient. It will be read with increased interest, by reason of the fact that the extravagantly "novel Constitution" was defeated in St. Charles county by something like 600 votes. Infidel officials, however, by dint of extraordinary diligence in behalf of "the peace and dignity of the State," succeeded in conveniently collocating on the Grand (!) Jury a sufficient number of self-sacrificing, incorruptible patriots to find a 'true bill.' Our town is full of grog-shops, which, in violation of law, carry on their elevating and purifying business every Sunday. But, by a mere inadvertence, the incorruptible patriots aforesaid overlooked these whiskey dens:

"STATE OF MISSOURI,
CO. OF ST. CHARLES.

In the St. Charles Circuit Court.
NOVEMBER TERM, 1865.

"The Grand Jurors for the State of Missouri, empannelled, sworn and charged to inquire in and for the body of the county of St. Charles, upon their oath present, that heretofore, to-wit: On the 12th day of November, A. D. 1865, at the county and State aforesaid, one Robert P. Farris, being a minister of the Presbyterian persuasion, sect and denomination, then and there did unlawfully preach and act as a minister of the Presbyterian religious persuasion aforesaid, without having first taken, subscribed and filed the oath of loyalty in the clerk's office of the County Court of the county of

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residence of him, the said Robert Farris, against the peace and dignity of the State.

"Endorsed,
A True Bill:
B. F. McKee, Foreman."

The author and the reader are indebted to the pen of Dr. Farris for the following sketch of the trials and persecutions of that meek spirited, humble, talented and distinguished Presbyterian divine, Rev. Dr. Sam'l. B. McPheeters, one of the earliest victims of party malice and arbitrary power in the State. His case involved the gravest principles of religious liberty, and occupied a conspicuous place in both the religious and secular journals at the time, claiming a large share of public attention. For the notices from the public prints, as well as many similar favors, the author takes great pleasure in acknowledging his indebtedness to Mrs. Col. D. Robert Barclay, of St. Louis:

"REV. SAM'L. B. MCPHEETERS, D. D., PASTOR OF PINE STREET CHURCH, ST. LOUIS.

"No persecution was more atrocious than that of which this esteemed minister was the victim. A spiritual minded, devoted servant of Christ, beloved by his own people, and held in high honor by all who knew him as one who habitually walked with God, it is safe to say that had any one been called on to designate which of the St. Louis pastors was least likely to be maligned and molested, Dr. McPheeters would have been declared most certainly exempt, on account of his piety, his faithfulness to the Master and his harmless-

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ness to man. And surely no one would have dreamed that the accuser and persecutor of such a man would be a member, an Elder of his own Church.

"To show the spirit of the man: In 1860, going to New Mexico to recruit his health, he accepted a chaplaincy in the U. S. Army, and was stationed at Fort Union.

"While there the civil war began. There were rumors of an intended attempt on the part of the Confederates to capture the fort. In view of such anticipated attack, Dr. McP., a southerner by birth and in all his sympathies, declared, 'Though the U. S. Government did not commission me to fight, but to preach the gospel, yet should this fort be attacked I shall be one of its defenders.' And, with like high principles of honor, he exerted a decisive influence on officers, who, under the strong temptation of sectional sympathy, seemed to be wavering in fealty.

"As an additional evidence of what manner of man he was, read the following extract from a pastoral letter which he wrote from Fort Union, May 14, 1861, when he was wholly ignorant of the political views of the people of his charge, and when it was doubtful on which side Missouri would take her stand. He said—

"'As from time to time intelligence has reached this place from the States, my heart has been filled with sadness and gloom beyond the power of words to express. For a time I did hope that a merciful and long-suffering God would, in his providence, interpose and shield the country from civil war and its necessary horrors; the latest news, however, leaves no doubt on my mind that the Divine arm is bare to smite our land with

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his terrible but righteous judgments. In these circumstances I feel an irresistible inclination to address you a pastoral letter upon some points which it seems important to bring distinctly before your mind at such a time as this. Of the purely civil and political questions which now shake the country to its centre I do not feel called upon, either as your pastor or as a minister of Christ, to speak. I am rejoiced that my duty as well as my inclination leads me into a higher, purer, and better sphere than this. No! dear brethren, I wish to address you not as a friend or advocate of any party or section, but as an ambassador of One whose "Kingdom is not of this world." So far from wishing to swell with my voice the din of words uttered by any section or party, I wish to say something about your duties to Christ and His kingdom—something about the obligations and dangers which belong to you as Christians living in the circumstances which surround you.'

"Not long after the date of this letter Dr. McPheeters returned to his home and church in St. Louis. He declared that when he reached the western boundary of this State, where he began to realize the passion and excitement which seemed to agitate and control the entire population, he was filled with amazement and sorrow, and his soul recoiled from nearly everything he saw and heard. He said, also, that, long before he got home, he had formed a fixed resolution on two points, viz.: (1) To do all the duties plainly enjoined upon him as a citizen by the Word of God; and (2), both as a citizen and as a minister to stand aloof, as far as possible, from the whole civil contest.

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"He found his church at peace, and when he informed his members what course he had resolved to pursue, all, without exception, cordially approved it.

"In May, 1862, he was a member of the General Assembly which met in Columbus, O. Dr. R. J. Breckinridge offered and carried a paper on the state of the country. Dr. McPheeters was one of a small minority who opposed said paper, simply on the ground that, according to the Constitution of the Presbyterian Church, the General Assembly can not meddle with what concerns the civil commonwealth. For his opposition to that paper the then Provost-Marshal of St. Louis, one Bernard Farrar, who afterwards sunk still lower as the commander of a brigade of blacks, threatened to arrest Dr. McP. as soon as he should return home. The threat was not executed. But about that time, and professedly to satisfy the military authorities that their pastor was 'loyal,' a few members of the Pine Street Church demanded for publication a statement from him, *as their Pastor*, of his views and personal position on the questions agitating and dividing the country. He denied their right to ask him, *as their Pastor*, and he declined answering.

"This question of a *Pastor's rights and duties*, instead of being brought before a Church court, as the Presbytery, was taken hold of by the military authorities, who, unable or unwilling to appreciate the high and vital principle in view of which Dr. McP. declined to answer political inquiries addressed to him as a minister of Jesus Christ, issued the following infamous order:

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"OFFICE PROVOST-MARSHAL GEN'L. DEP'T. OF MISSOURI,
ST. LOUIS, Mo., Dec. 10, 1862.

"'Special Order No. 152.]

"'WHEREAS, On account of unmistakable evidence of sympathy with the rebellion on the part of Rev. Sam'l. B. McPheeters, Pastor of the Pine Street Church, certain loyal members of his congregation, about six months since, urged him to avow his sentiments openly, and to take a stand in favor of the Government, which he refused to do, and has also published and circulated two letters, within the last two weeks, in which he not only refuses to declare whether he is in favor of the success of the authorities of the nation in their efforts to put down a cruel and desolating rebellion, and has failed to remove a wide-spread and increasing impression that he desires the success of the rebel cause; and, whereas, the said McPheeters, acting with others of the same denomination, has used all the influence of his ministerial character to prevent the body of the Church with which he is connected from declaring or manifesting its loyalty to the Government, and has refused to observe, in their obvious meaning and intent, the recommendations of the President of the United States to the various churches, and has allowed the influence of his wife, his brothers, and intimate associates to seduce him from an open and manly support of the Government into active sympathy with the rebellion, whereby the influence of his ministerial position has greatly encouraged the enemies of the Government in their wicked schemes for its overthrow, and is still exerting an injurious influence, especially upon the youth and other members of his congregation, leading them to

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believe that he sympathizes with the rebels and justifies their cause, and to adopt sentiments of hostility to the Government, and to become active rebels; and, whereas, in all his course of unfriendliness to the Government, and sympathy with, and favor to, rebels, the said McPheeters has been stimulated and encouraged, if not led on, by his wife, who openly avows herself a rebel; whereby the said McPheeters and his wife have forfeited the right to the protection and favor of the Government in their present position, and have become promoters of rebellion and civil discord. Therefore it is ordered that the said McPheeters and his wife leave the State of Missouri, within ten days after the service of this order, and that they take up their residence within the free States, north of Indianapolis and west of Pennsylvania, and remain there during the war; and that said McPheeters cease from this date to exercise the functions of his office within the State of Missouri, and that he deliver to the Clerk of Pine Street Church all books, records and papers belonging to that Church.

"'It is further ordered that the church edifice, books and papers, at the corner of Eleventh and Pine streets, be placed under the control of three loyal members of Pine Street Church, namely: George P. Strong, James M. Corbitt and John M. Ferguson, who shall see that its pulpit be filled by a loyal minister of the Gospel, who can invoke the blessing of the Head of the Church upon the efforts of the Government to re-establish its authority.

"'By command of Major General Curtis.

"'F. A. DICK,

"'Provost-Marshal General Dep't. of the Missouri.'

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"There had been no examination of Dr. McPheeters, and no trial. The reception of the order was the first intimation he had that he was in the hands of the military. Dr. McP. carried the matter, in person, to President Lincoln, who sustained him in every one of his positions, and immediately made out the following order, which, having read it to Dr. McP., he telegraphed to Gen. Curtis at St. Louis, commanding the Department of Missouri:

"'WASHINGTON, Dec. 27, 1862.

"'Special Order No. 152 is hereby suspended until further orders. A. LINCOLN,
President of the United States.'

"But Mr. Franklin A. Dick, who was at that time Provost-Marshal General, took it upon him to modify Mr. Lincoln's order, and sent to Dr. McP. the following:

"'OFFICE OF THE PROV.-MAR. GEN'L.,
DEPARTMENT OF THE MISSOURI.
ST. LOUIS, Dec. 28, 1862.

"'Rev. S. B. McPheeters and Wife:

"'The order made against you on the 19th of December is modified until further orders, to this extent: that you are not required to leave the State.

"'By order of MAJ.-GEN'L. CURTIS.

"'F. A. Dick, Lieut. Col., Provost-Marshal General.'

"That is to say, while the President declined to 'run the churches' (as he expressed it on another occasion) the military satraps in Missouri took it upon themselves to make his order mean that Dr. McPheeters need not be banished, but that he should not *preach*—he should be virtually deposed from the Gospel min-

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istry. Alas! the Pine Street Church continued under the control, not of the Session, but of the military commission appointed in special Order 152. The history of those sad days would not be fully told, and a bad man would be defrauded of his dues, were we to omit saying that, though said order bears the signature of poor little Dick, it was written by GEORGE P. STRONG, (as he, S., confessed) an unprincipled lawyer, a professed Christian (so was Judas Iscariot) and a Ruling Elder in the Pine Street Church. This man, (?) at one time an enthusiastic friend of Dr. McPheeters, was the prime mover in this outrage upon his pastor.

"After a year's suspension from the ministry, by the wickedness of this man Strong, some of the leading men of St. Louis, without Dr. McP's. knowledge, forwarded to Mr. Lincoln a petition. The Attorney-General, Edward Bates, with the express permission of the President, replied that Dr. McP. should 'quietly resume the exercises of all the rights, duties and functions of his office, as if no interruption had occurred.'

"But the fellow Strong was not to be baffled. He was determined to drive Dr. McP. from the Pine Street Church. He pursued him unweariedly. He brought the case into Presbytery, which was so controlled by the military that most of the members could not conscientiously attend, because they would not stultify themselves by subscribing to an oath of loyalty; and two of the members, Rev. W. H. Parks and Rev. A. D. Madeira, were actually put in a military prison, to prevent them from being present at a meeting of the Presbytery at which Dr. McP's. case was to be issued.

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These, and other brethren, being thus kept away, the pastoral relation between Dr. McP. and the Pine Street Church was dissolved 'at the point of the bayonet.' Sometime after, Rev. JAMES A. PAIGE, now of Springfield, Mo., one of the 'loyal' members, being reproached for calling in the aid of the military to consummate Strong's wickedness, replied, we had to do that, for we felt we were weak.'

"Dr. McPheeters appealed to the General Assembly from the decision of the Presbytery. The General Assembly sustained the iniquity of the Presbytery."

The following letter from President Lincoln, in connection with the above facts, will fully explain itself. It was published in the *Missouri Republican* of March 3, 1864:

"*Mr. Lincoln on 'Ecclesiastical Rights.'*

"The following letter from President Lincoln, upon a subject now exciting much attention in that community, was addressed to a leading citizen of St. Louis:

"EXECUTIVE MANSION,
WASHINGTON, December 23, 1863.

"I have just looked over a petition signed by some three dozen citizens of St. Louis, and their accompanying letters—one by yourself, one by a Mr. Nathan Ranney, and one by a Mr. John D. Coalter—the whole relating to the Rev. Dr. McPheeters. The petition prays, in the name of justice and mercy, that I will restore Dr. McPheeters to all his ecclesiastical rights.

"This gives no intimation as to what ecclesiastical rights are withdrawn. Your letter states that Provost-Marshal Dick, about a year ago, ordered the arrest of

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Dr. McPheeters, pastor of the Pine Street Church, prohibited him from officiating, and placed the management of the affairs of the church out of the control of its chosen Trustees; and near the close you state that a certain course 'would insure his release.' Mr. Ranney's letter says: 'Dr. Sam'l. B. McPheeters is enjoying all the rights of a civilian, but can not preach the Gospel!' Mr. Coalter, in his letter, asks: 'Is it not a strange illustration of the condition of things that the question of who shall be allowed to preach in a church in St. Louis shall be decided by the President of the United States?'

"Now, all this sounds very strangely, and withal a little as if you gentlemen making the application do not understand the case alike, one affirming that the Doctor is enjoying all the rights of a civilian, and another pointing out to me what will secure his release. On the 2d of January last I wrote to General Curtis in relation to Mr. Dick's order upon Dr. McPheeters; and as I suppose the Doctor is enjoying all the rights of a civilian, I only quote that part of my letter which relates to the Church. It is as follows: 'But I must add that the United States Government must not, as by this order, undertake to run the churches. When an individual, in a Church or out of it, becomes dangerous to the public interest, he must be checked; but the churches, as such, must take care of themselves. It will not do for the United States to appoint trustees, supervisors or other agents for the churches.'

"This letter going to General Curtis, then in command, I supposed, of course, it was obeyed, especially as I heard no further complaint from Dr. McP. or his

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friends for nearly an entire year. I have never interfered, nor thought of interfering, as to who shall or shall not preach in any church; nor have I knowingly or believingly tolerated any one else to interfere by my authority. If any one is so interfering by color of my authority, I would like to have it specifically made known to me.

"If, after all, what is now sought is to have me put Doctor McP. back, over the heads of a majority of his own congregation, that, too, will be declined. I will not have control of any church, on any side.

"Yours respectfully, A. LINCOLN."

The impression which the persecution of ministers of the gospel in Missouri made upon the people of other parts of the country is very well expressed in the following extracts from the New York *Express* and *Journal of Commerce*:

"*The Banishment of the Rev. McPheeters, of St. Louis, by General Curtis.*

"No comment is needed upon such a record as this. The banishment of such a man is a dishonor to the Provost-Marshal and to the Government which he misrepresents. If the Provost-Marshal acted upon the order of General Curtis, the dishonor falls upon him. Mr. Lincoln and his wife each attend a Presbyterian Church in Washington, not unlike the one in St. Louis, and their pastor is just as amenable to arrest as this minister in St. Louis, for there the Gospel, and not war or politics, as we have been told, is preached. Let Mr. Lincoln, as President of the United States, think of

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such an outrage committed on the person of Rev. Dr. Gurley, in Washington.

"What is here done is to declare that the Presbyterian Church is amenable to military law; and the advocating in its sessions of the doctrine that the Church owes allegiance to God, and not to any earthly power, is made the cause of military punishment! A clergyman, in the solemnity of his Church, is threatened with military punishment if he dare uphold the doctrine that his Church owes only the allegiance which Paul and John, and the dead saints and martyrs of all countries and ages, members of one and the same Church, owe.

"The New York *Journal of Commerce*, on this record, well asks:

"'Is this America? Is this the nineteenth century? Do men imagine that God is to be worshiped in compulsory forms in this country? If Mr. Lincoln approves this act, he would do well at once to import a quantity of Chinese praying machines, put his proclamation in them, and set them at work with Provost-Marshals to grind out prayers for the nation.'"

The foregoing history is tinged with sadness by the following mournful announcement in the *Missouri Republican* of March 11, 1870.

"*Death of a Well-Known Clergyman.*

"The Rev. SAM'L. B. MCPHEETERS, D. D., died on Wednesday, in Shelby county, Ky. This divine was formerly pastor of the Pine Street Presbyterian church of this city, and is well known in St. Louis, where he had many friends and admirers. His death will doubtless create a very general feeling of regret."

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CHAPTER V.

REV. DAVID R. M'ANALLY, D.D., AND REV. P. M. PINCKARD.

Rev. Dr. M'Anally—His Character, Position and Influence in the Church—His Course as a Public Journalist—The *St. Louis Christian Advocate*—"The Reliable Paper"—Editor Arrested and Thrown into Prison—Paper Suppressed—Dr. M'Anally in Prison—Malicious Persecution—Prison Cell 12x12 feet, with Eleven Men in It—Character of His Companions in Tribulation—How His Time was Spent—Before a "Military Commission"—Released on Parole of Honor—Again Arrested on Sunday, May 10, 1863, and Thrust into Gratiot Street Prison—Ordered to be Banished South—Taken to the Boat, then to the Provost-Marshal's Office—Long Interview with Col. Dick—Severe Reflections—Order of Banishment Countermanded—Other Indignities—*Rev. P. M. Pinckard*—Publisher of the St. Louis Advocate and Book Agent—Bold Scheme to Break Down the Book Concern—Detected and Defeated by the Agent—The Joint Publishing Committee Sell the Concern to the Agent—He Met the Liabilities and Saved the Property to the Church—"Honor to Whom Honor."

REV. DAVID R. M'ANALLY, D. D.

The Rev. Dr. M'Anally has been long and favorably known to the Church as an educator, a minister of the Gospel, an editor and an author. It is not too much to say that his fine natural abilities have been developed and matured by the most liberal culture and the most diligent application. He is a ripe scholar, a profound theologian, an able divine and a high-toned Christian gentleman. The vigor of his mind is only equaled by the force of his character. He has for years ranked with the ablest men of the Church, and has few superiors in any Church or country.

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For more than a dozen years before the war he was prominent before the country as the able editor of one of the leading journals of the M. E. Church, South—the *St. Louis Christian Advocate*—and attracted no little attention as a representative man and an accredited voice of the Church.

As a journalist, he was independent and outspoken. He was free, frank and fearless in his editorial course, and uttered his honest sentiments upon all questions of public interest without fear or favor. Trained by the old masters of moral philosophy, and under the old *regime* of private and public virtue, he could not endure the many new-fangled notions of modern honesty and integrity. He had no patience with the so-called advanced type of modern civilization upon which social reformers and public teachers were seeking to build up a new system of morals, in which right and wrong, virtue and vice, truth and falsehood, could be disguised, confounded, and made to exchange places to suit the interest or inclination. He could not tamely witness the martyrdom of the old principles of virtue, honesty and integrity which obtained in the old schools of morality and theology without a solemn protest.

When the war came, and the foundations of public and private virtue were being swept away, Dr. M'Anally lifted his voice and wielded his pen manfully and vigorously in defense of the "faith once delivered unto the saints." A former chapter records his noble defense of the truth and his bold and fearless exposure of falsehood and crime. When the war waxed warm in the West, and every press and party became belligerent and bloodthirsty; when the paper that could not be

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subsidized in the interest of private plunder and public crime was summarily suppressed, the *St. Louis Christian Advocate* maintained its independent course, reflecting the lofty spirit of conscious integrity which distinguished the editor throughout, and made him conspicuous in the annals of those exciting times. His unbending, unswerving integrity of character and fidelity to the truth made him an enemy of all unrighteousness, and his columns would no more herald to the world sham battles and false victories in the interest of favorite Generals than they would excuse crime or cloak the meannesses of men.

He reported men, battles and things as they were, or at least as he understood them to be from the lights before him, and usually called things by their right names. With him the guardians of public virtue must themselves be virtuous, the defenders of truth must themselves be truthful, the teachers of Christianity must themselves be Christians, nor would he mistake an interest in criminal statistics for philanthropy.

With such a character in such a position it is not surprising that his paper was sought after and read by many thousands of all parties, and recognized as "the reliable paper." Nor is it to be wondered at that he was the most conspicuous mark of political and ecclesiastical malignity then in the West. For many months his friends feared the suppression of his paper, and his enemies plotted his arrest and imprisonment. When one scheme after another had failed to compass his destruction, his enemies finally, with a malignity as awkward as it was cowardly, accomplished his arrest and imprisonment and the suppression of his paper.

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The reader will duly appreciate the fact that the Doctor has, after much solicitation and with characteristic modesty, furnished the following plain, simple, candid statement of his own persecutions and trials, which will be read with the deepest interest by his thousands of friends and admirers:

"On the 21st day of April, 1862, I was arrested by order of the Provost-Marshal at St. Louis, and immediately imprisoned in what was then called Myrtle Street Military Prison. The order for arrest and imprisonment was peremptory. No reasons were given, none were asked, as arbitrary arrests were then matters of every day occurrence; and in most cases if reasons were asked none were given.

"From the first hour of my imprisonment I calmly but firmly determined that, with a perfect consciousness of the purity of my motives and rectitude of my conduct, I had violated no law, either civil or military; that in my heart, and in my conduct and conversation, I had been true to the real interests of my country. I would take no oath, give no bond, nor ask any favors, either directly or indirectly. Nor did I do any of these things from the first to the last. I never asked why I had been arrested? what were the charges? what the military intended to do, or what they wanted me to do? I knew there were no grounds for any charge whatever, that the whole procedure in regard to myself and others was a low, cowardly effort to intimidate and humiliate men who formed their own opinions, preserved their own self-respect, and refused to be swayed to and fro by the influence or mere *dicta* of blind passion; so that, without anything like stubbornness, and in the

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entire absence, I trust, of all unchristian or ungentlemanly feeling, I resolved to make no concessions, having none to make; ask no favors, nor do anything else that might be construed, either directly or indirectly, into an acknowledgment on my part of the right of the military to institute and carry out such proceedings.

"Besides, I was satisfied that it was not against me personally so much as against me as the representative of a Christian denomination—the M. E. Church, South—that this warfare was to be waged. Many of the ministers of the denomination had, even then, been driven from their flocks and from the State; others had seen the storm coming and had left, while many others, in different parts of the State, had been put under heavy bonds by Provost-Marshals, and then, or soon after, some six or eight had been shot down as if they had been ferocious beasts. Some of those arrested had been told by military commanders that the fact of their being ministers of the M. E. Church, South, was "enough to hang them;" and many of our members were put under bonds or sent to prison for no other ostensible reason than that they had subscribed for, paid for and read the *St. Louis Christian Advocate*, an official organ of the M. E. Church, South, then, and for more than ten years previously, under my editorial management. I was not a *blatant Abolitionist*, and had thrown some serious impediments in the way of ecclesiastical radicalism; hence the determination to be rid both of the paper and its editor.

"At various times during more than three months previous to the arrest I had been warned of my danger, because of the *religious* rather than the political

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opposition to me, and some of my friends advised me to leave, which I could have done on any day previous to the arrest.

"On Sunday, the 13th of April, there was a consultation among 'the faithful' as to what course had best be pursued in reference to the *St. Louis Advocate* and its editor. At this consultation it was proposed—

"First, To incite the soldiers and let them tear down the building and demolish the office of publication. But that proposition was rejected, because it was thought the influence on the minds of the people of the State would be bad. That it would be going farther than would be safe to their own cause.

"Second, It was then proposed, and agreed to, that an indictment for conspiracy — conspiring with others against the Government of the United States—should be drawn up for the action of the Grand Jury of the U. S. District Court, which was to sit the next day; and in the event of the jury failing to find a true bill, why then I must be summarily and arbitrarily arrested by the Provost-Marshal, sent to prison, and the paper suppressed. Accordingly, next day, Monday, the 14th, the court met, and the Grand Jury was empanneled. Soon after a bill was presented them. Diligent inquiry was made; witnesses were summoned and examined; day after day the matter dragged on, until finally, on Saturday, the 19th, the jury, having completed their work, were discharged, and no presentment was made against the *Advocate* or its editor. Partisans as they were, and corrupt as I know some of them to have been, they would not say on their oaths that a true bill for conspiracy could be found. Hence, in accordance

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with the programme previously prepared, on Monday following, the paper was arbitrarily suppressed, and I arrested and imprisoned by order of the Provost-Marshal, as already stated. The Marshal was one Capt. Leighton, a man whose intellectual, social and moral qualities, and whose early life and associations seem to have eminently qualified him for the work he was called on to perform.

"The keeper of the prison placed me in a room twelve or fifteen feet square, with ten other persons, all of whom were genteel, worthy men, and some of them highly intellectual and cultivated. So far, therefore, as *they* were concerned my situation was altogether agreeable and pleasant. They uniformly and invariably treated me with respect and kindness, and really seemed to vie with each other in manifestations of kindly feeling.

"In the same prison, in different parts, there were perhaps from a hundred to a hundred and fifty persons; a few of whom had been regularly in the Confederate service and captured; others had been in the Federal service and were then in prison for crime; while the great majority were citizens from the different parts of the State, arrested on mere suspicion, and in some cases had been imprisoned for weeks and months with only the scant clothing they happened to have on when arrested. Some fifty or sixty such as these were in a miserable condition. But under the rags and dirt that covered them there were some as noble hearts as ever throbbed. These, too, after I had been but a few days in prison, all treated me with respect and kindness; nor did any of the officers of the prison ever use

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to me a disrespectful or an unkind word. I endeavored to deport myself in a dignified, respectful, gentlemanly and Christian manner, and was every where met with a corresponding course.

"It was my understanding at the time that the keeper of the prison was allowed a *per diem* for feeding the prisoners, but whether that were so or not he evidently drew rations for all, but allowed some twelve or fifteen to have their meals sent regularly from the Virginia Hotel, and I verily believe the hotel keeper sent the 'best his house could afford.' My meals were sent regularly three times each day by an estimable family living close by.

"If any be curious to know how my time was occupied, they may learn from the following memoranda, made at the time on some fly leaves of a Bible I used, and which is now before me:

"'April 21st, 1862: Imprisoned at 7 o'clock, P. M.

"'22d: Read from ninetieth Psalm to the close of the Psalms.

"'23d: Read Proverbs, Ecclesiastes, Songs of Solomon and Isaiah.

"'24th: Read Jeremiah and Ezekiel to chapter 20.

"'25th: Read balance of Ezekiel, the book of Daniel, and wrote outlines of two sermons.

"'26th: Read the twelve minor Prophets, and wrote sketches of two sermons.

"'27th: Read the four Gospels.

"'28th: Read Acts of Apostles, thirteen Epistles, and wrote two sketches.

"'29th: Read from first of Hebrews to end of Rev-

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elation, also the book of Genesis, and wrote two sketches.

"'30th: Read Exodus, and wrote two sketches. (Was sick.)

"'May 1st: Read Leviticus and Numbers, and wrote two sketches.

"'2d: Read Deuteronomy, Joshua, Judges and Ruth, and wrote two sketches.

"'3d: Read first and second Samuel, and wrote one sketch. (Was sick.)

"'4th: Read first and second Kings, and wrote three sketches.

"'5th: Read first and second Chronicles, and wrote two sketches.

"'6th: Read Ezra, Nehemiah, Esther and parts of Job, and wrote two sketches.

"'7th: Read the rest of Job and the book of Psalms. This put me a little more than once through the Bible in sixteen days—and also wrote *in all* sketches of twenty-four sermons. Two to-day.

"'8th: Read Proverbs, Ecclesiastes, Songs of Solomon, and wrote part of a sermon *in extenso*.

"'9th: Read Isaiah, and finished the sermon.

"'10th: Read Jeremiah, Lamentations and part of Ezekiel, and wrote letters.

"'11th: Read the rest of Ezekiel, Daniel and the twelve minor Prophets.

"'12th: Read Matthew, Mark and Luke, and wrote part of a sermon and some long letters.

"'13th: Read John, Acts and Romans, and wrote six or eight pages of a sermon *in extenso*.

"'14th: Read first and second Corinthians, Galatians,

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Ephesians, Philippians, Colossians, first and second Thessalonians, first and second Timothy, Titus and Philemon, and wrote nine pages of sermon.

"'15th: Read from first of Hebrews to end of Revelation, and wrote eleven pages of sermon.

"'16th: Read book of Genesis, and wrote on second sermon for the week.

"'17th: Read Exodus, Leviticus and part of Numbers, finished second sermon *in extenso* for the week and wrote four long letters.

"'18th: Read remainder of Numbers, Deuteronomy, Joshua, Ruth and Judges.

"'19th: Read first and second Samuel, and wrote three long letters.

"'20th: Read first and second Kings, and at two o'clock the officer of the prison was directed to release me on my verbal parole to report forthwith at the office of the Provost-Marshal, which I did, and was there informed that charges and specifications had been drawn up, to which I would be required to answer before a Military Commission on the 23d, and, on my verbal parole, I was released until that time.

"'23d: Reported accordingly, when the parole was extended to Monday, the 26th.'

"On Monday, the 26th of May, I appeared before what was called 'A Military Commission,' composed of Colonel Merrill, Major Shaw and Captain Howard, the latter of whom acted as Judge Advocate. These were all of the volunteer service, and, except the Colonel, were, perhaps, in the service more in name than in reality. The charge I was required to answer to was that of having violated 'the articles of war' by the

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publication of sundry specified articles in the *St. Louis Christian Advocate.* It was a little remarkable that a number of the articles complained of had been copied from the Foreign Quarterlies, or from Blackwood's Magazine, which publications had been freely circulated in the city for from one to three weeks before I made the extracts. I objected in form to being tried by that tribunal, alleging that if I had committed an offense at all, it was an offense against civil and not military law, and claimed as a citizen and civilian to be tried by the civil laws. I further objected on the grounds that many, if not all, the articles complained of had been published before the proclamation of martial law in St. Louis, and as no war had been formally declared, I could not, under the circumstances, be justly tried by the articles of war. Several other exceptions were regularly filed, but all were overruled, as, indeed, I supposed they would be, and only entered them to make a fair and full record.

"The trial proceeded. The Judge Advocate threw on the table a number of copies of the *St. Louis Christian Advocate,* with certain articles therein marked, but did not read them openly; and if either he or the other members of 'the Commission' ever read them, the fact was and is unknown to me. The fiscal agent of the publishing house whence the *Advocate* was issued was examined at great length and with great care, and to all questions asked he gave distinct, prompt and truthful answers. This ended the first day's proceedings.

"On the second day a number of gentlemen were introduced, some who were well known to be among the most 'loyal' of the 'loyal,' and others who were

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suspected of having 'Southern sympathies,' when my manner of life, in public and private, my manner of preaching, and the character and tone of my public prayers, were all diligently inquired into, but no one was found who, upon his oath, would say that he ever saw or heard me do or say aught that was inconsistent with the character of a peaceful, law-abiding citizen and Christian minister.

"I continued to introduce witnesses on these points until the Court expressed their entire satisfaction.

"It was then ordered that what defense I might choose to make be prepared and presented to the Court on the next day. Accordingly, at the opening of the Court on the third day, I read a short paper setting forth the grounds on which I thought I was entitled to be released from the prosecution. This closed the trial. I was then remanded to the care of the Provost-Marshal, who, upon my verbal pledge not to 'give aid and comfort to the enemies of the United States, nor to leave the county of St. Louis, and to report myself at that office whenever required,' allowed me to go. This parole was kept hanging over me until the 19th day of November, 1865, three years and six months from the time of the trial. The decision of the Court by which I was tried *I have never had nor ever known to this good hour!! Never!!*

"I kept the parole faithfully, because it was a parole of honor. To be sure, I suffered many inconveniences and discomforts because of it, but still kept it, and did so uncomplainingly.

"On Sunday, the 10th day of May, 1863, while preparing for the evening services for the Church, I was

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again arrested, this time by order of Provost-Marshal Dick. The arrest was made at my own house. After gathering a bundle of clothes, and having prayers with my motherless children, commending them to 'Him that judgeth righteously,' I accompanied the officer, and was by him delivered to the keeper of 'Gratiot Street Military Prison.' Here there were a great number of persons, many prisoners of war, and many citizens from different parts of the State, some of whom had been long confined, and there were many others residents in the city, who had a little while before been brought in.

"On the next day, Monday, 11th, quite a number of us were notified that we would be sent South beyond the Federal lines, and would be started at 12 o'clock on Wednesday, the 13th. We accordingly made what preparation we could. I was informed that I would be allowed to carry a limited amount of clothing and two hundred dollars ($200) in money. The clothing I had. The money I had not; had but a very few dollars in the world, and was leaving my children not only motherless, but penniless and helpless. Some friends outside the prison learned my condition, and the two hundred dollars were quickly furnished. One-half the sum was sent by a high-toned gentleman who was then serving as a Colonel in the Federal service, a man whose every sense of justice, honor and fairness was outraged by the proceedings against me. Had the sum been needed, I believe two thousand, or ten thousand, dollars would have been furnished me.

"On Wednesday, the 13th, those of us who had been ordered into banishment were paraded and marched

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between two files of soldiers through some of the principal streets of the city to the steamer which was to bear us South. The whole number of persons on the boat was, perhaps, one hundred or more, including men, women and children.

"Just before the boat left the landing an order came *countermanding* the order for my banishment, and directing that I should be sent to the office of the Provost-Marshal. This was done, and the other prisoners were sent South. At the Marshal's office I was directed to report there in person at 11 o'clock the next day, and in the meantime I might do anything not inconsistent with the parole I had given more than a year before.

"At the appointed hour next day, I reported myself at the office of the Provost-Marshal, Colonel Dick He expressed a desire for a long conversation, and commenced in a sort of apologetic way by stating how much pleasure it gave him to rectify any mistake he might make or undo any wrong he might happen to commit; and as he had been led into a mistake in regard to my arrest and order of banishment, he had much pleasure in countermanding the order, etc., etc. The conversation was protracted and *very plain*. The Colonel was reminded that the old ideas regarding civil rights, civil law, personal liberty, etc., etc., were not entirely exploded, and that it might be well for persons temporarily in power to remember that orders for the arrest, imprisonment and banishment of persons, and the confiscation or destruction of property, ought to be based on something else than mere suspicion or vague rumor. Finally, the conversation was ended by the Colonel suddenly remembering that he had some important

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business just then, and requesting me to call the next day, that the interview might be renewed. I did call the next day, and the next, and next, and many succeeding days, but from the day of that interview to the present never found the Colonel at leisure. Soon after that he was *relieved* of his position and duties as Provost-Marshal, and not a great while afterward, no doubt for good and sufficient reasons, he left the city and State.

"The Colonel gave no reasons for my arrest, nor was he asked for any. Perhaps he was not aware that I had learned his order for my arrest had been issued at the instance of a couple of ignorant and bigoted old women connected with the 'Loyal League,' and who had been instigated by two men who, for private reasons, desired I should be banished. These two men have since developed the very unenviable character which then I knew they possessed. And perhaps he was not aware:

"2. That I had learned his order *countermanding* the order for banishment had been issued on the peremptory command of the General (Curtis) then in command; or,

"3. That General Curtis had acted on the representation of at least two of his own Colonels, who had assured him: 1. That the order was in itself wrong, unjust, and an outrage; and 2. That to let it be carried out would do great harm to the 'Union cause.' One of them told the General that the very fact of my being in the South, under the circumstances then existing, would do as much harm to their cause 'as could be done by a thousand armed men,' and added: 'I do not know what he may do in the South, but I do know that if he exert himself as I know him capable of doing

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you might as well send five thousand armed men to help the rebels as to send him. However peaceably disposed he may be now, we can not expect him to continue so if this outrage is carried out.'

"Perhaps the Colonel was not aware I had learned all this, and much more; still he may have thought of it when he asked me what I would do if sent South? and in reply simply received, 'You may rely upon it, sir, I will eat no idle bread!'

"In all this I allude only to the arrests which were followed by actual imprisonments, saying nothing of an arrest made in September, 1861, made not on a charge of any thing having been done, but on a suspicion that *something might be done.* I was quite ill at the time, but taken in my office, carried before the Provost-Marshal, where, defenseless and surrounded by armed men, I was coarsely harangued, villified, abused and lectured as to my editorial and ministerial duties, during a half hour or more, which was at length terminated by my plainly informing the Provost-Marshal that, as I was in their power, the military could do with me as they chose; that they had the power, and could suppress my paper when they chose, but until it was suppressed it should contain just what I might think fit to put into it—neither more nor less.

"That Provost-Marshal was one John McNeil, of Palmyra-prisoner notoriety.

"Nor have I alluded to the fact that in July, 1861, a mob of 'Home Guards,' so-called, threatened to destroy my dwelling house and church because I had publicly baptized a child whose parents chose to name it Harry Beauregard, which mob desisted from their pur-

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pose only a few short hours before that purpose was to have been accomplished, and not then until after one of the principal men had been told there were not less than thirty or forty men who would, at the risk of their lives, hold him *personally* responsible for all harm that might befall me from the mob.

"Nor yet have I alluded to the fact that in July, 1861, a company of armed men, forty-four in number, wearing the uniform of United States soldiers, and acting professedly under orders from headquarters, surrounded my house and ransacked it from cellar to garret. What they expected to find, or were looking for, I never asked—I never knew. Nor to the ransacking of my editorial office, the destruction of my private papers, etc., which was done in April, 1862, when I was absent; nor the almost numberless unlawful and unjust indignities, disabilities, &c., that were put upon me during the three years and more that I was a prisoner.

"Nor yet have I alluded to the horrible outrages, cruelties and barbarities which I saw practiced on helpless prisoners, and for no good reason whatever. All these I pass by. If an account of them be given, let it be given by others."

With the suppression of the *St. Louis Christian Advocate* the public is already well informed, but the attempt to get possession of the Publishing House and Book Depository belonging to the M. E. Church, South, in St. Louis is not so generally known:

Certain parties in the interest of the M. E. Church, North, managed to get hold of many of the heaviest claims against the Concern with a view of forcing a financial crisis and crash. They could invent no plea

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or pretext that would libel the property for confiscation, and they undertook to break down the Concern by forcing collections. This scheme was discovered and defeated by the timely sagacity of the Agent, Rev. P. M. Pinckard. He called together the Joint Publishing Committee, presented the facts, and, after mature deliberation, they proposed to sell the whole Concern to the Agent, at an appraised value, if he would with his own personal resources meet its liabilities and save the property from the clutches of the enemy. A *bona-fide* sale was made, and the purchaser subsequently filed a written pledge to sell the property to the Church again upon an equitable valuation, should the Conferences ever be able to purchase it. The property was saved by the sacrifice of his wife's personal property and the most skillful management.

It was an hour of the darkest and most dangerous trial, and perhaps not another man in the Church had the nerve to meet the responsibility and brave the danger. The property was saved. The Concern was run in the interest of the Southern Methodist Church, and was ready, when the war closed, to re-publish the *Advocate*, re-supply the Church in Missouri with books, and enter with the Church upon the great contest for religious liberty which has been so heroically vindicated by the non-juring ministry of the State.

The service thus rendered the Church by Mr. Pinckard, in her time of greatest need, will never be fully appreciated until the power of a religious press shall be measured upon the augmenting interests and vital issues of the crowded future, when the Mississippi Valley and the great West shall throng with a population

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as dense as that of Europe; while the Church owes a debt of gratitude equal to the sacrifice made, the trials endured and the interests subserved.

True to his pledge, he preserved the property, declined often the most advantageous offers made for it by private parties, lest it should be alienated from the Church, and when the time came passed it into the hands of the "Southwestern Book and Publishing Company," authorized and organized by the St. Louis and Missouri Annual Conferences, upon an appraised valuation.

Thus every scheme plotted and planned to alienate the property from the Church was defeated by the business tact and unflinching integrity of Mr. Pinckard, at a sacrifice, pecuniary and otherwise, of which few have any knowledge.

It is, perhaps, proper to state that when Dr. M'Anally was arrested at the depot of the Iron Mountain Railroad the officers came up immediately and took forcible possession of the printing department of the Concern and announced that they would hold the entire establishment. The next morning an order was made confiscating the whole property, but for some reasons it was not promulgated. Mr. Pinckard, the Agent, saw Col. Leighton, Provost-Marshal, and asserted his right to the Job Office and Book Depository, affirming that they did not belong to and were no part of the *St. Louis Christian Advocate*, and demanded that they be given up to him. After a very spirited interview, much delay going back and forth from the City Provost-Marshal's office to the headquarters of the General commanding department and the office of the Provost-

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Marshal General, and many sharp contests for rights, the keys were finally given up to Mr. Pinckard, and he permitted to run the establishment, specially the job printing, with all the front doors closed, and then only to finish the jobs on hand. He was distinctly prohibited from receiving any new business. When persons came to purchase books they were required to bring a special permit from the Provost-Marshal. Two pious ladies from the First Church desired to purchase books for the Sunday School, but they were required first to go before the Provost-Marshal, state their desires, and possibly "swear," before they could get a permit to supply the Sunday School children with good books. Such petty tyranny and oppression characterize only the cruelties of war and the corrupt hearts of mean men.

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CHAPTER VI.

A LIST OF MARTYRS—REVS. JOHN L. WOOD—GEO. L. SEXTON AND EDWIN ROBINSON.

Rev. John L. Wood—A Local Preacher—Character, Standing and Spirit—Shot Dead in the Street—His Only Offense that He was a Minister of the Gospel in the M. E. Church, South—Particulars—Rev. A. E. Sears—Rev. Caleb M. Colyear and Rev. O. H. Bennett Arrested—Rev. Jacob Waltenbarger Mobbed in the Pulpit and Dragged from the Church for Attempting to Preach a Funeral—Camp-Ground Burnt—*Rev. Geo L. Sexton*—A Gifted Young Minister—"In Prisons Oft"—Waylaid and Murdered—Shocking Details—*Rev. Edwin Robinson*—An Honored Minister of the M. E. Church, South, his only Offense—Shot Down Like a Dog—A Most Horrible Murder—Details—A Suffering Family—Reflections.

REV. JOHN L. WOOD.

The traveling preachers of the M. E. Church, South, were not the only victims of what seemed to be a relentless persecution. That honorable and useful class of men known in Methodist parlance as "local preachers" suffered severely in this latter day persecution. Another victim of its extremest virulence from the local ranks of the ministry must be added here to the list of Missouri Martyrs.

The Rev. John L. Wood was born in Bourbon county, Kentucky, January 9, 1820, and with his father emigrated to Missouri in 1830, and settled in Sullivan county. Here he grew to manhood, and became identified with all the civil and religious interests of the

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State. He professed religion and joined the Church in the maturity of his manhood, and was licensed to preach by the Quarterly Conference of the Milan Circuit, Missouri Annual Conference, M. E. Church, South, in 1856. From that time forth he was a consecrated instrument of good and an ordained messenger of peace to his fellow-man, and stood high in the ranks of the local ministry.

He lived a peaceable, law-abiding, inoffensive life, and was highly esteemed by the community in which he lived and the congregations to which he preached. Few men more so.

At Unionville, the county seat of Putnam county, Mo., March 21, 1864, he was cruelly and wantonly murdered—shot down like a dog in the streets—by a squad of soldiers belonging to the 18th Reg. Mo. Vols., who were at home on furlough. He was a total stranger to his murderers and they were total strangers to him. He was pointed out to them as a Southern Methodist preacher by a citizen whose name, as reported, was G. W. Dickson. He was shot in the back with a revolver while all unconscious of any murderous intent. The cowardly assassin did not so much as warn him of his fate. The ball passed through his body and lodged just under the skin, and was extracted by Dr. Proctor, of Unionville. He lingered in great pain about fifteen hours and then expired while a prayer for his murderers still lingered upon his lips. In humble imitation of his Master he prayed, "Father, forgive them, they know not what they do."

The following extract from a letter written by one who knew him well and loved him much will furnish a

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just view of his character and spirit, and also disclose the crime (?) for which he had to lay down his life, a martyr for the Word of God and the testimony of Jesus in the M. E. Church, South:

"Bro. Wood was a good man—a man that I loved, and that I *loved* to love. He had the confidence of all before the war; but when the war came it was considered by some a great crime to be a Southern Methodist, and a Southern Methodist preacher was thought by a great many to be unfit to live and enjoy the blessings of 'the best government under the sun.' Bro. Wood's only crime was that he was a Southern Methodist preacher. He lived a good man and died a good man. He died in imitation of his Master, praying for his murderers.

"The man who shot him, and the rest of the mob that abused him and threw brickbats at him, were all strangers to him. They certainly *could not* have murdered him had they known him. Who it was that pointed him out to them I know not. Somebody did it.

"After he died the same bloody hands put his body in an old box that had been used as a watering trough and buried him beside a bushwhacker who had been killed there some time before. His home was only twenty miles distant, in Sullivan county, yet before his wife could reach the spot he was buried. His remains were disinterred, taken home and decently interred in the family grave-yard, there to await the sound of the archangel's trump. Peace to his ashes.

"S. S. HARDIN."

Another writer says:

"Mr. Wood was a quiet, orderly citizen, a thrifty

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farmer and a pious minister, and was beloved and respected by a large majority of his neighbors and acquaintances. His offense was being a minister of the M. E. Church, South. * * * * *"

No intimation is made that Mr. Wood had been guilty of any crime against the laws of God or man, but, on the contrary, he is said to have been a "good man," a "quiet, orderly citizen," and highly esteemed by the community. Surely this class of men had not become so numerous that it was desirable to get rid of them. The life of a good man is a standing rebuke to all evil, a restraint upon wicked men, and a sublime vindication of the distinctive virtues of Christianity. To defeat the moral results of such a life is the work of Antichrist, and to reverse the moral forces started and sustained by holy men is the purpose of incarnate diabolism, to effect which the murder of good men is not too much. To rid the world of the lives of holy men neither pretexts nor instruments have been wanting. Like Mr. Wood, many have gone down to the grave for no other offense than that they were ministers of the M. E. Church, South.

REVS. A. E. SEARS, CALEB M. COLYEAR, O. H. BENNETT, AND JACOB WALTENBARGER.

The following statements of the acts and doings of the military authorities in and around Milan, Mo., is condensed from a report furnished from a trustworthy source. It is inserted because of the connection of several ministers of the Gospel with the acts of oppression narrated.

"In October or November, 1861, Major Williams, of

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the 18th Reg. Mo. Vols., came into Milan, Sullivan county, Mo., with a portion of his command. But as they entered the town Rev. A. E. Sears, P. E. of the M. E. Church, South, was mounting his horse to go home. About one mile from town three soldiers dashed up, arrested and detained him about an hour, and until he consented to take an unconstitutional oath, prescribed by themselves, as a condition of release.

"In December, 1861, Major John McCullough, of the 23d Mo. Reg., U. S. Vols., with two companies of his regiment, came into Milan, and remained a week foraging and subsisting on the citizens. He made a general arrest of all the citizens suspected of disloyal sentiments, and required them to take the oath prescribed by himself as a condition of release. Amongst the number was Elder Caleb M. Colyear, a minister of the regular Baptist Church, who was nearly fifty years old, and whose only offense was that he had a son over twenty-one years of age in the Missouri State Guard.

"Elder O. H. Bennett, a minister of the Christian Church, was also arrested, required to take the oath and furnish a few fat hogs to feed his persecutors.

"In 1863, Rev. Jacob Waltenbarger, a local preacher of the M. E. Church, South, had two appointments on the same Sabbath to preach funeral sermons—one at 11 o'clock A. M., to preach the funeral of two children of a Federal soldier; the other at 4 P. M., to preach the funeral of a Federal soldier. Soon after opening the services at 11 o'clock he was set upon by a lawless mob, seized in the pulpit, dragged from the house, and carried about three miles to the village of Scottsville, there detained as a prisoner until after 4

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o'clock, and then released, with the injunction never again to attempt to preach the funeral of a Federal soldier or any member of his family.

"This mob were members of a self-constituted company of so-called Union soldiers, but without authority for their organization or acts, either State or national.

"These same men, during this same year, set fire to and burnt a camp-ground and meeting house in Sullivan county, which belonged to the M. E. Church, South."

REV. GEORGE L. SEXTON.

The persecutors of Christian ministers not only sought to exterminate every old native Methodist preacher of Missouri, but every young man of talent and promise in the Church. Many of the most pious and promising men of the Southern Methodist Church were either run out of the State or murdered.

The subject of this sketch, Rev. George L. Sexton, was born in Missouri, July 10, 1839. Married in September, 1860. Commenced preaching in his seventeenth year, and from the first gave evidence of no ordinary talent. His preaching attracted the eyes and inspired the hope of the Church to an extent not usual in every "boy preacher."

He was physically small, but possessed of a nervous temperament equal to the vigorous action of the largest brain. Energetic and rapid in all his movements, studious and practical in all his mental habits, accurate and sharp in his perceptions, and with a ready, fluent utterance and deep, earnest piety, he bid fair to make a preacher equal to any work and acceptable to any

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people. The pledges of extensive usefulness were only equaled by the fields that were white unto the harvest which in every direction invited his polished sickle.

When the war broke out, Mr. Sexton was in charge of the Memphis Circuit, Missouri Conference, M. E. Church, South. The fact that he was a Southern Methodist preacher was sufficient to secure the attention and the threats of the super-loyalists of that portion of the State.

Irresponsible parties annoyed him and threatened his life until he thought it best to leave that part of the country and seek safety elsewhere.

He went to Boone county, and for a time supplied the Sturgeon Circuit. But here he was by no means free from molestation. In fact, there was no part of the State of Missouri where a Southern Methodist preacher could feel safe during the whole war, unless it was in St. Louis.

"In June, 1862, while on his way to Bishop's School House to fill an appointment, he was arrested by a company of 'Merrill's Horse,' as they were called, commanded by Capt. Stewart, taken to Columbia, and put in prison. Every effort made by his father and others to obtain his release was met by insult. Both Merrill and his officers heaped upon Mr. Sexton every indignity that wicked men could invent. The fact that he was a Southern Methodist preacher was enough in their prejudice and malice to send him to Alton Military prison for the war. After remaining in prison for some time he, with others, made his escape and went South, well knowing that he could not remain here in safety.

"While in the South, away from home, without em-

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ployment or means, he accepted a chaplaincy in the army for a time. This, however, he soon resigned, and after an absence of eighteen months started home to see his wife and little ones. But before reaching home he was arrested and sent to Alton, Ill., where he remained for several months in that loathsome pest house.

"His health was very poor, and his physical constitution was fast giving way under the treatment at that noted military prison. Friends interested themselves in his behalf, and he was finally released and permitted to reach his home. He remained at home with his family several months, trying to 'follow peace with all men' and prosecute, in a quiet, humble way, his mission of mercy to dying men, avoiding every thing that would seem officious or that would be offensive to the most uncompromising partisan; yet he met only insult, indignity and denunciation, accompanied by such threats as to lead him to feel that his life was in imminent peril all the time. Believing that he could not remain at home or in Missouri in safety, he again started South. His purpose was to gain a place of personal safety, and not to take up arms against the government. The idea of fighting his fellow-men was so repulsive to his feelings and views of the character and work of a minister of the Gospel that he sought only personal safety and religious liberty. While traveling with a friend, and near the Arkansas line, both unarmed and unconscious of danger, they were discovered and shot down by a squad of Federal soldiers. His friend was instantly killed, and Mr. Sexton was severely, perhaps mortally, wounded. The ball took effect in the shoulder. The citizens removed him to a house near

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by and kind'y cared for him, dressing his wound and ministering to his wants. But another squad of Federal soldiers found him, ascertained that he was a Southern Methodist preacher, and, though informed that he could not possibly live, took him away, and *he was never heard of afterward.* Where they carried him nobody knows. When, where and how he died, and where he was buried—if at all—are known only to the perpetrators of the horrible deed and to the All-seeing Eye. One comforting message comes to the sorrowing parents and grief-stricken widow, like 'good news from a far country,' from the family to whose house he was carried after he was shot. They say he conversed freely while there, and frequently said that he was not afraid to die—that all was well."

REV. EDWIN ROBINSON.

Of the early life of the Rev. Edwin Robinson little has been learned. He was received on trial into the Missouri Annual Conference, M. E. Church, in 1837, with Thomas D. Clanton, Daniel T. Sherman, F. W. Mitchell and James G. F. Dunlany. Mr. Robinson's first appointment was junior preacher on the Greenville Circuit, in the Boonville District, with Moses B. Evans his senior, and Jesse Green, Presiding Elder.

He received regular appointments from the Conference every year, and filled them acceptably and usefully to the Church. In 1852 he was made Presiding Elder of the Richmond District, and for several years filled that high and responsible office to the satisfaction of the Church. He was once honored with a seat

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in the General Conference, and was always held in high esteem by the ministry and the Church.

Wise and prudent in counsel, and thoroughly Methodistic in all his feelings, sentiments and practice, he ever conserved the best interests of the Church of his choice. He was never very brilliant in the pulpit, but sound, practical, earnest and useful. So widely known, he is now as widely lamented.

When the war broke out he felt and saw the necessity of great caution and prudence in all his public services and private ways. He refrained scrupulously from canvassing the exciting events that were so rapidly transpiring. And his very humble, quiet, unobtrusive spirit and manner of life passed him through the troubles of the war about as evenly and safely as any other prominent Southern Methodist minister in the State, out of St. Louis, up to the fatal hour of his cold, cruel murder.

In the fall of 1864 Mr. Robinson was residing about two miles south of Fayette, in Howard county, and traveling the Fayette Circuit.

He had formerly lived in Chillicothe, and when the troubles of that fall thickened and darkened around him so alarmingly, he made up his mind to remove his family either back to Chillicothe or into Grundy county, where his wife had some relatives living.

For this purpose he determined to precede his family and provide a home. Before setting out on the journey his wife prevailed on him, in view of the danger of traveling through the country, to go by way of Renick and take the North Missouri R. R. He afterward, however, abandoned that route and set out in

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company with a colored man who lived in Chillicothe and had a wife at his house, and in whom he had the most implicit confidence. Instead of going through Glasgow they took a nearer and safer route, through Monticello and Old Chariton. When they reached the latter place, only two miles distant from Glasgow, they halted for a few moments in front of Moore's Hotel talking with some gentlemen, when a squad of soldiers, commanded by Capt. Merrideth, rode rapidly up and the following colloquy was had:

Captain.—"Who and what are you?"

"My name is Robinson and I am a Methodist preacher."

Captain.—"A Southern Methodist preacher?"

"Yes, sir."

"That, sir, is enough to damn you," said the valiant captain, excitedly, and turning to his men said, "Blow his damned brains out," which was instantly done.

These facts were reported by the negro, to which some ladies, who at the time were looking out at the window, make the following additions: They say that after the above conversation, and before any order was given to shoot, Mr. Robinson and the negro were permitted to ride on. After they had gone about fifty yards Capt. Merrideth called the negro back and asked him what he knew about Robinson. He replied that he knew nothing of Robinson's politics, but that he had a very bad son who was a bushwhacker, upon which Merrideth dashed up to Robinson and either shot him himself or ordered his men to do it. As to who did the shooting the ladies are not fully agreed. Nor is it important. Captain Merrideth was in command, and the

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public verdict of the people, as well as the verdict of history, will hold him responsible.

He rode away from his victim after leaving an order that his body should not be removed on pain of death. For some reason the Captain did not take the dead man's horse, and the noble animal stood in silence and alone beside the body of his master whom he had so long borne—now pulseless, lifeless. Whether his person was robbed, has not transpired.

The ladies, true to the instincts of a finer and purer nature, and the warmer sympathies and loftier courage of humanity, notwithstanding the general terror and panic of the citizens, went out and pulled rails from the fence and made a rude pen around the dead man to prevent the hogs from profaning his body, and then sent a message to Mrs. Thomson, of Glasgow, informing her of the facts. This good lady caused a two-horse wagon to be prepared, and with several other "elect ladies," attended by two gentlemen, went out the following morning, which was the Sabbath, and brought his body into the city. His wife was summoned to look upon and follow to the grave the mangled remains of her beloved companion. Such was the reign of terror that the citizens of Glasgow were afraid to receive the body of the departed minister of God into their houses. His body was placed in the Christian Church, and the next day, Monday, followed to the town of Fayette by the disconsolate widow and a few silent mourners and deposited in the cemetery. His son was afterward killed some distance from Fayette, and by his widowed mother and little sister brought in and interred beside the martyred father.

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The picture of this horrible deed can not be finished without a few facts connected with the subsequent history of the family.

The widow was left with two children—a daughter thirteen and a son eleven years of age. The crop produced on the little farm was ungarnered; and such was the panic produced in that country by the events of that fall that the neighbors and citizens feared to do anything for a family who had been visited by such terrible vengeance. No man could be found who, for love or money, would gather the crop or chop the fire wood. The weather soon turned bitterly cold, and this delicate woman, with her little daughter and son, had to go into the field and gather the corn out of the snow, and into the forest to fell the timber and chop the fire wood for the winter, and thus unaided and unbefriended, except by a few kind ladies, struggle through the rough and inclement season. By this exposure both mother and daughter had their hands severely frozen, which nearly disabled them.

Mrs. Robinson found in a private drawer, soon after the death of her husband, about $70 in money, upon which she relied to meet her increasing wants; and fearing that her house would be robbed or burned, she carried this money on her person until one day, while recruiting the fire, it dropped into the devouring element and was destroyed. This added greatly to her privation, as it was her last dollar, and constituted literally all her living, except two or three head of cattle, which she sold, and with the proceeds was enabled to reach her mother, in Grundy county, the following spring.

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The author of this cold-blooded murder lived through the war, and when peace was restored he, like many others who had made themselves famous in the crimes of the war and written their names in the blood of innocence, was thrown up very prominently before the public as a great hero and rewarded for his valor. Captain Merrideth has been honored by the citizens of Marion county with the office of sheriff for two successive terms.

The following paper furnishes other details:

"In about two weeks from the time of the capture of Glasgow, on the 15th day of October, 1864, by the Confederate forces, under the command of General John B. Clark, Jr., a detachment of Missouri militia, commanded by Colonels Sheton and Kutzner, re-occupied Glasgow—not, however, until the last rebel soldier had made good a retreat south of the Missouri river. They came full of revenge, and burned dwellings and murdered unarmed men indiscriminately. In Howard and Chariton counties many were the men who felt the force of their unlimited power and their leaden missiles. The very best men were singled out and murdered in cold blood—shot down like so many dogs. Among the number were Jesse Haston, Dr. Brumele, Evan Price, Abner Finnel, Jay McAshan, Judge Flood, Mr. Reedman, Mr. Philpott, Arthur Brannan, and many others met the same sad fate, with no warning.

"On the first Saturday of November, 1864, Captain Merrideth and Lieutenant Hayward, of Hannibal, commanding a company of militia, left Glasgow about ten or eleven o'clock on a burning and murdering expedition up the Chariton bottom. John Moore's hotel in

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Old Chariton and John D. Locke's dwelling were laid in ashes by these fiends in human shape.

"Just while the fiery element was licking up the last of John Moore's hotel, unfortunately the Rev. Edwin Robinson happened to come along on that fatal day. Captain Merrideth accosted him to know who he was. Robinson, who had on his person a safeguard from Colonel Guitar, told Merrideth he was a Southern Methodist preacher, on his way to Grundy county. This was enough. Merrideth told him the word South was enough to damn him, and deliberately took out his revolver and fired four shots into his head and chest—three in the head and one in the chest—either of which would have killed him. He was instantly killed. His horse, saddle and saddlebags were taken to Glasgow, but subsequently turned over to Mrs. Robinson. Captain Merrideth ordered the neighbors not to touch his lifeless body, under penalty of losing their lives.

"Near sundown three kind ladies built a rude rail pen around his lifeless form, to rest calmly and quietly through that lonely night until the day dawn of the Sabbath should usher in, his spirit having gone to God who gave it. The news reached Glasgow during Saturday night that a man who was unknown had been killed.

"Early on Sunday morning Mrs. J. S. Thomson, in company with Mr. and Mrs. A. W. Roper, Mr. and Miss S. Walker, Dr. Walker and Major J. W. Lewis, left town in a two-horse wagon for the place. They silently placed his remains in the wagon and soon returned to Glasgow. No coffin could be procured, and they had one made. The fearful reign of terror was upon all. The Union men advised those who were in sympathy

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with the South not to take his remains to their dwellings, fearful that their homes would be burned. These men refused to have his body in their own dwellings. Mr. A. W. Roper finally tendered the use of the basement of the Christian Church, where his body could remain until word could be sent to his wife, who was still unadvised of his sad end.

"During that solemn Sabbath day several hundred of the militia who occupied the town came to see the murdered man. Some turned away with sad faces, and one in particular remarked, 'He was a good man. I have heard him preach a hundred times.' Some would say to their comrades: 'Come, let's go; it is nothing but a dead rebel. I wish all were in the same fix.'

"During the day watch was kept up by a few noble ladies. The men were actually afraid to even go to the church.

"On Monday morning his poor distracted and heart-broken wife arrived, and such a scene I never wish to witness again. She who but a day or two before had bid farewell for the last time to her darling and beloved husband, and saw his manly form depart, never more to behold him again only in the cold embrace of death. Well might she weep. The small escort, consisting only of three helpless women, took their departure in sad silence for the late home of the lamented and departed Robinson. In deep grief and anguish did Sister Robinson ride on horseback thirteen miles following the remains of one whom she so dearly loved.

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"There was no necessity for shooting Robinson. It did not end the war a day sooner, but it seemed that there was in this county a set of men who preferred to fight unarmed men rather than go where danger was thick. Such men are now being rewarded with the most lucrative offices of our State." . . . .

After reading such scenes the mind instinctively turns to the following Apocalypse of the Martyrs:

"And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held. And they cried with a loud voice, saying, How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth?"

While the Church to which Wood and Sexton and Robinson belonged, in which they were faithful and useful ministers, and for which they "were *slain* for the word of God, and for the testimony which they held," has been made to bleed at every pore and bow to the pitiless storm that swept away so many of her defenses and paled so many of her purest lights, she has not sought revenge, nurtured wrath, nor given vent to a bitter, spiteful spirit; but in her darkest days and amid the hallowed scenes of her desolation, listening now to the brother's blood that cries from the ground, and now to the wailings of her orphaned children over the graves of her many martyrs, she waited patiently till her change came. God has been her "refuge and strength, and a very pre ent help in trouble." While she cherishes with undying affection the names of her noble martyrs, she is content to leave to the records of his-

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tory, the just judgment of posterity and the righteous decisions of the last day, their vindication. With a heart of pity, and the voice of prayer, and catching up the oft repeated words that trembled last upon their dying lips, "Father, forgive them," the Church can afford to wait in faith and hope the future harvest that begins already to grow luxuriant in the soil made rich by the "blood of the martyrs."

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CHAPTER VII.

ELDER AUGUSTUS H. F. PAYNE.

Elder Augustus H. F. Payne—Early Life in Kentucky—Enters the Ministry of the Christian Church—Spotless Character—Useful Ministry—Moves to Missouri, and Lives in Clay and Clinton counties—A Successful Evangelist—Principles—Love for the Union and the Constitution—Nominated for the State Convention in 1861—Manner of Life During the War—Murdered near Plattsburg, Clinton county, in 1863—Shocking Details—Affecting Narrative by His Daughter—Fruitless Efforts to Bring the Murderers to Justice—Unanswered Questions—Reflections.

ELDER AUGUSTUS H. F. PAYNE.

The records of martyrdom in modern times furnish few names more prominent or precious than the one at the head of this chapter.

Thousands of hearts in Missouri and Kentucky will grow sad as they read the heartless cruelty which placed that revered name on the "Roll of the Martyrs," and a large, intelligent body of Christians, with, perhaps, thousands of converts whom he baptized, will hasten with melancholy gratitude to do him honor and embalm his name in the fondest memories of the heart.

The Christian Church, in which he was a useful minister and a distinguished light, has been called to share deeply in the common sufferings of those times of religious persecution, and through the fellowship of suffering has become tenderly and honorably linked with the Methodist, the Presbyterian, the Baptist, and all

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other Churches in this State which have been called to "contend for the faith once delivered unto the saints," and which have vindicated, in the persecutions, imprisonment and martyrdom of their ministry, the purity of the gospel, the divine authority of the Church of Christ, the rights of conscience, and the distinctive features of religious liberty which were so ruthlessly and treacherously assailed in those dark and bloody days.

The following sketch of the life, labors, character and murder of this popular and useful minister is from the gifted pen of one who knew him long and well, and whose very name and distinguished ability would exalt into merit and invest with commanding interest any subject. The Church that furnished the distinguished subject, as well as the author of this work, can not too highly appreciate the fact that the biographer of Mr. Payne was so eminently fitted for the task by position, profession, talent and long association in the relations of intimate friendship with the deceased and his family.

The sketch of his cruel and shocking murder, with the circumstantial details written by his daughter, can not fail to thrill the coldest heart and move to tears the dryest eye. The details of the narrative seem more like the vivid conceptions of a rich imagination than reality, and the expressions are so natural, so tender and touching, that the reader will be borne along upon the tide of that daughter's grief in spite of him, and can not repress the feelings of righteous indignation which swell the heart as he reads of the heartless cruelty of the murderers. But "truth is stranger than fiction," and the sad realities of Martyrdom in Missouri surpass the finest efforts of genius in the

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realms of romance. Would to God it were all fiction. Then the history of the war in Missouri and the records of crime in the nineteenth century would not be fouled and blackened by the murder of men *because they were ministers of the Gospel.*

"Augustus H. F. Payne was born in Mason county, Kentucky, on the 4th day of April, 1807. He was the son of William Payne, who commanded a company of Virginia Volunteers in the revolutionary army. After the establishment of our National Independence, and whilst Kentucky was almost an unbroken wilderness, Captain Payne removed with his family there and settled in Lexington, which then only numbered a few hundred inhabitants, who lived exclusively in log cabins. A few years later he settled in Bath county, but remained there but a short time until he removed to Mason county, where he permanently settled, and where Augustus was born. For more than forty years, and down to the time of his death, William Payne was a distinguished Baptist preacher in Kentucky. He died as he had lived—a Christian, and in the full confidence of a blessed immortality.

"Augustus resided in his father's family until he was married, in 1828, to Mary Morris, the daughter of Judge James Morris, of Mason county, Kentucky. Shortly after his marriage, in October of the same year, he became a member of the Baptist Church at Mayslick, having been previously immersed by Elder John Smith in the Ohio river.

"During the great reformatory movements set on foot and advocated with as much ability as success by Barton W. Stone and others, in 1830, the subject of

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this notice broke off from the Baptist and became a member of the Christian Church. In 1834 he was chosen to the work of the ministry and preached regularly from that time in Mason and surrounding counties with great satisfaction to the churches and with eminent success until, in 1836, he, with his little family, left his native State and settled near Liberty, in Clay county, Missouri. From the day he became a citizen of Missouri up to the time of his death he was a prominent evangelist in the Church to which he belonged, and did as much, if not more, than any other man in the State toward the establishment of churches and the evangelization of Northwest Missouri. That he received into the Church and baptized more persons than any other preacher in Missouri between the years 1836 and 1863 is almost if not absolutely certain. Possessing as he did a fine understanding, the most consummate knowledge of the springs to human action—being an excellent speaker, and enjoying the advantages of a pleasing, captivating address—and, above all, being thoroughly devoted to the work, he possessed a power and wielded an influence during the latter years of his life that was almost irresistible amongst those with whom he was associated. From 1836 until 1854 Mr. Payne was a citizen of Clay county. In 1854 he settled near Plattsburg, in Clinton county, where he resided continuously up to the time of his death, in 1863, devoting his time almost exclusively to preaching the gospel. His labor was not confined entirely to the Churches in Clinton, Clay and Platte counties, where he preached regularly, but he traveled extensively in

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north-west Missouri, and at the time of his death, and for many years preceding, was regarded as one of the most eloquent, successful and acceptable preachers belonging to the Christian Church in the State.

"Mr. Payne being so widely known and possessing so extensive an influence, was—in January, 1861, when the act calling a Convention which was in fact to decide whether Missouri should go North or South was passed—frequently consulted by the people as to the proper course to be pursued by them, and greater regard was paid to what he said than almost any other man north of the Missouri river. That he at all times and under all circumstances advised strict obedience to the laws and inculcated a reverence for the Constitution of his country second only to that due to the Bible all who knew him, to whatever party they may belong, will testify. Born in Kentucky, having always lived in a slave State, and having been the owner of slaves all his life, it could not be reasonably expected in 1861 to find him uniting with those who believed that slavery 'was the sum of all human villainy,' and who were waging an unconstitutional warfare for its overthrow. At the same time it was just as little to be expected that he would advocate the dissolution of the Union, and the annihilation of the Constitution which guaranteed the enjoyment of every right and interest recognized and established thereby. Consistency, patriotism, common sense, Christianity, national pride, love of liberty, all elevated and holy considerations, in his judgment, demanded that in 1861 he should, as he had always done, plant himself firmly upon the Constitution of his country, and in opposition to all men and all parties who were not

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willing to live up to and support its provisions. These resolves, these determinations, and the advocacy of them, as will be seen in the sequel, cost him his life—deprived a dependent wife and his children of their stay, comfort and support, silenced forever the tongue of a patriot, and stilled in death the eloquent pleadings of one of the most gifted advocates of Christianity the State could boast.

"The act calling a Convention was signed by the Governor on the 21st of January, 1861. On the 25th of the same month a large and enthusiastic convention of the people of Clinton county was held in Plattsburg, in pursuance of widely published notices, for the purpose of nominating a candidate for the Convention. This Convention embraced nearly every property holder and leading man in the county. To Mr. Payne's utter astonishment, and altogether without solicitation on his part, it nominated him for a seat in the Convention from the tenth senatorial district, composed of Clinton, Clay and Ray counties. Being in town and informed of his nomination, he immediately repaired to the court house in which the Convention was held, and after thanking the Convention for the honor conferred, declined to accept the nomination. His friends assembled around him, urged his compliance with their wishes, and with an importunity that would submit to no denial, eventually induced him to say that he would make the race. In consenting to do so he used, in the conclusion of his address, the following language: 'So long, fellow-citizens, as there remains a single hope of perpetuating the Union and preserving the Constitution of our common country I will desert neither.'

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The 4th resolution passed by the Convention that nominated Mr. Payne is as follows: 'Resolved, That we are still willing to adhere to the Constitution which our fathers made, and under which our country has grown so famous and powerful; but we want it as they made it, unimpaired by violent hands. *This we are anxious to perpetuate and hand down to our posterity;* but a Union without equal rights we utterly detest and will have none of it.'

"In an address, printed and sent to the voters of the district in which he was a candidate, a few days after his nomination, and which is now before me, he uses the following language: 'I, therefore, say, that I am opposed to coercion, because it is nothing more nor less than a declaration of war; and war once begun, I should feel that all was lost. The best hopes of the civilized world would be lost, and lost forever. I am opposed to *secession*, because in recognizing the correctness of that principle, should division be forced upon us, we could have no guarantee for the permanency of any other Confederacy that might be attempted. I am opposed to *submission*, because that does not become freemen. I am willing to accept some such basis as the Crittenden Compromise,' &c., &c. The politicians of the district combined, and Mr. Payne was defeated for a seat in the Convention. Thereupon he immediately retired to his farm and sought for rest and happiness in the bosom of his family—abandoned politics and all that had for the hour engaged his attention, and with renewed zeal resumed the labors of the Christian minister. Mr. Payne was never a politician, never in his life alluded to politics in the pulpit, and, upon

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principle, believed that all such allusions were improper, and that politics and religion both suffered by being mingled together. Mr. Payne continued upon his farm with his family, except when he was away preaching, taking no part in the civil war or the questions growing out of it (so far as is known) until in the winter of 1862. To be sure, now and then certain persons whose loyalty in the beginning was not free from suspicion, but who had become intensely radical as the war progressed and the Union forces gradually took possession of the country, were heard to make threats—throw out dark hints respecting Mr Payne's bad example, and the unwholesome influence he was exercising clandestinely in the social circle, as well as in his capacity as minister, but no demonstrations of a hostile character were made toward him until the times and in the manner stated in the following narrative, written by his daughter:

"'*Miss Lucilla Payne's Account of the Arrest and Murder of her Father, Augustus H. F. Payne.*

"'In the winter of 1862, when Major-General Halleck's order No. 29 appeared, my father became convinced he could not stay at home without molestation; consequently he went to St. Joseph to effect an arrangement with the military authorities by which he could remain at home in peace. General Loan, who was in command at St. Joseph, required him to file a bond in the penalty of four thousand dollars, conditioned for his good behavior, &c., but through the influence of W. P. Hall, then Lieut. Governor of the State, it was reduced to two thousand dollars. He at first, by the terms of his bond, was confined to six counties,

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but finding his sacred duties required a more extended field, he applied for and obtained a *pass* from Major J. M. Bassett, Provost-Marshal, to go any where in the Federal lines, and with this he went to and fro unquestioned. During the summer of 1863 a band of bushwhackers, under Hart, kept all north-west Missouri in a state of fermentation. Whenever a Radical became alarmed at their daring raids or wished to wreak his personal malice upon an enemy and rid himself of a dangerous rival, all he had to do was to go before some petty officer, state his life or property was in danger, and thereupon the enemy or rival was selected as a victim and murdered. My father was such a victim. A league more dark and terrible than that of the Inquisition sped the bolts of death. Private soldiers were used as instruments in the hands of radical citizens, and officers stealthily guided the fatal messenger of death to their victim's heart. Jo. Hart, knowing by some means that the militia of Clinton county were withdrawn to Clay county on a scout, took advantage of their absence to make a raid on Plattsburg—robbed the county treasury, a few individuals, and left at his leisure, without hurting anybody except one citizen, who was accidentally shot. The greatest excitement followed, and everybody expected the defenseless citizens would in some way be made to pay the penalty of the negligence of those in power. My father was in Buchanan county, holding a meeting, when the raid occurred. A few days afterward my brother, then a mere boy, was sent to Plattsburg on business. Whilst there he was arrested and kept under guard all day, accused of being with bushwhackers, which he stoutly

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denied and defied them to the proof. Finding he would not be frightened, he was released and sent home with a verbal order from the Provost-Marshal for my father to report to him the following Wednesday. The citizens were ordered to meet and devise some means to suppress bushwhackers. Well knowing that they were unarmed, and being violently opposed to bushwhacking, my father had no objection to expressing his true sentiments, especially if by so doing he could be instrumental in restoring quiet. In connection with Judge Birch and other conservative men they passed and signed a series of anti-bushwhacking resolutions. After the meeting adjourned a squad of soldiers surrounded my father and endeavored to force him into a drinking saloon to treat them. He firmly refused, but finally, to escape their insults, went into a store and bought them some tobacco.

"'A company of the Missouri 25th (Colonel Harding's regiment), under Captain Coleman, was stationed in Plattsburg about ten days afterward, and the great excitement in consequence of the raid had in a great measure subsided. My father went in and out of town, whenever business or inclination prompted, unmolested. He received in the meantime a letter from Nashville, stating that a dear niece had been sentenced to Alton prison under the persecution of Gen. Rosecranz. He determined to make an effort for her release. With this view he went to St. Joseph to obtain the influence of the resident authorities, and received from Gen. W. P. Hall a letter of introduction to Maj.-Gen. Schofield, then commanding the Department of the Missouri. He also saw Col. Harding at St. Joseph for the purpose of

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obtaining pay for six wagon loads of corn which had been taken from him and vouchers given for only fifty bushels, at twenty cents per bushel, which account Col. Harding refused to have paid.

"'My father reached home on the morning of the 3d of June. After finding the family well and spending some time with us, he left the house without telling any one where he was going. But as his usual custom was to walk over the premises after being several days absent, we supposed he was somewhere on the farm. He had been gone but a short time when we saw a large squad of soldiers advancing toward the house. My mother, without waiting to see what they wanted, sent my little brother in quest of him to acquaint him with the fact. They halted at the fence, and a Lieutenant with two men came to the house. I met them at the hall door. The Lieutenant asked if that was the residence of the Rev. Mr. Payne. I replied that it was. He then asked for him. I told him I did not know where he was, and inquired what he wanted with him. He refused to answer, but asked for my mother. When mother came he made the same inquiries of her that he had of me, but told her he had an order for her husband's arrest, and that he would search the house. She told him he was welcome to search; that my father was not in it; that had he known of their coming he would not have left. He had done nothing to lead him to fear them or any other soldiers; that he was well known to the military authorities of the District, and had "protection papers" from Gen. Hall and Major Bassett. He replied that neither Hall nor Bassett were *any authority to him;* that he belonged to the *United States service* and

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not to the State militia. He then ordered his men to search the house, saying that if my father gave himself up it would be well, and if not he would shoot him, intimating that he was hiding from him. Before searching the house I asked him to let me see his orders. He said he never showed them to ladies. I then asked by whose orders he was acting. He said, "Colonel Harding's." "When did you receive the orders?" "The evening before." I then told him I thought it exceedingly strange that Colonel Harding did not detain my father in St. Joseph the day before; that he had just returned from there; had seen Colonel Harding, and transacted business with him; that it would have been more expeditious as well as more certain to have kept him when he had him rather than take the trouble of sending thirty-five miles for him. He grew very angry and said it was none of my business to question him. I replied I claimed to be a lady, and I hoped he would treat me as one; that he had said he was here for the purpose of arresting my father, and what concerned him concerned me; that in questioning him I only manifested a daughter's interest in a father's welfare. He seemed somewhat mollified, and apologized for the roughness of his speech, saying, "Certainly, Miss Payne, I accord you that privilege; but you must know that a soldier has no discretion in such matters. Your father is a perfect stranger to me; I would not know him if I were to see him. I know no cause for his arrest, but it is my duty as a subaltern to obey the orders of my superior officers." I then asked if he would take my father immediately to St. Joseph, as his orders emanated from there. He replied, "No, only to Platts-

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burg. I shall there turn him over to Captain Coleman, who will send him to Colonel Harding."

"'My sister accompanied the men through the house. They merely walked through the rooms, not making any search, being convinced he was not in it. The men scattered over the yard and garden, helping themselves to whatever they pleased. The Lieutenant seated himself in the hall and talked in an insolent tone about "bushwhackers." My mother answered that citizens were not responsible for bushwhackers, as they had been disarmed and were themselves defenseless; that those who had the arms ought to get them out of the country; that her husband, being from home the greater part of his time in the discharge of his ministerial duties, knew very little about such matters, probably less than any other man in the community. He again reiterated in the most positive manner that so far as Mr. Payne was concerned *he* had no charges against him of any kind; he was obeying those higher in authority than himself in seeking to arrest him.

"'My father had dropped in at a neighbor's house to while away a social hour, and there my little brother found him. Conscious of his own integrity, he felt he had no reason to shun any one, so, upon receiving the information, he immediately returned home. I met him at the gate and told him what was on the tapis whilst walking with him to the front door. The Lieutenant arose as my father approached and said he presumed he addressed the Rev. Mr. Payne. My father told him he did. He then introduced himself as Lieutenant Morton, of the Missouri 25th, and remarked, "Mr. Payne, it is my duty to arrest you." My father said,

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"Your orders, sir." He replied in a bluff tone, "I never show them. You must prepare to go with me." While my father was giving some orders about his horse I learned from the Lieutenant that he was not going to return to town immediately, but was going on a bush-whacking scout as far as Smithville, a small village in Clay county (which was at the time under the control of a very lawless set of men), and would not return till the following day. My fears were aroused. I inquired if he intended to take my father with him. He said he did. I tried ineffectually to change his purpose. He said he had a good many arrests to make —he would have plenty of company, and they would all be sent to headquarters together. The story was not improbable in one sense, for often as many as a dozen citizens were arrested out of one neighborhood in times of excitement, made to work on entrenchments, carry water, cut wood, and perform other menial service; and the worst fears I had experienced had been on this account. But learning he would drag my father over the country wherever whim or caprice might suggest, keep him over night without reporting him to headquarters, and that, too, when the most positive assurance had been given that he was acting under orders emanating from thence, the most violent apprehensions were excited in my mind, and if I could at that moment have concealed my father I would have done so. I communicated the intelligence to him—saw his suspicions were aroused, but that he did not wish to betray any anxiety to the family. He appealed to the Lieutenant to know if such was the intention. Upon being informed that it was, my father told him that he

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had taken a long ride that morning, and felt physically unequal to the ride; that he would pledge his word and honor as a gentleman to report immediately in Plattsburg. He said he could not think of such a thing; that he would be answerable to his superiors were he to allow it. My father then proposed to detail a trusty guard. This he also refused; said he had not a man to spare. The only alternative was to go with him as quietly as possible. His victim was in his clutches, and he did not intend he should escape. One of the privates took my father's bridle, in the presence of this officer, for which he substituted his *broken one;* after which he was ordered to mount. I looked in every face as they passed me, hoping I might find *one* to whom I could appeal to befriend my father in the hour of need. Not one redeeming countenance met my anxious gaze. My mother turned to me and said sadly, "what a rough-looking set of men to have such a man prisoner." Alas! my own terrible forebodings re-echoed the thought, but I said, "Mother, the Lord preserved Daniel in the lion's den, and surely He will shield His faithful servant from harm."

"'Feeling the uselessness of attempting to follow him, and fearing the worst, yet hoping the best, I went to Plattsburg next morning, accompanied only by my little brother, to learn what disposition had been made of him. On reaching town I found that Capt. Coleman, instead of being at his post to receive his prisoners, had gone with Lieut.-Colonel Porter, Thomas Viglini, the Provost-Marshal of the county, and others, to St. Joseph. The scout under Morton had not returned; and so secret had been the expedition that no one to

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whom I applied could give any information, not having even heard that my father stood in any danger of arrest. Upon expressing my fears that personal violence would be offered, my friends assured me my apprehensions were groundless; that whilst the men might be capable of any villainy, it would be too barefaced to attempt such a thing with a man like my father. No officer would have the hardihood to risk his reputation by such an outrage; he was too well known; the authorities would be compelled to take action in the case. I was told it would be useless to apply to Major Green, who was then in command of the militia, and whose headquarters were at the court house, while the 25th was camped at the fair grounds, and were not under his control.

"'A prey to the most torturing doubts and maddening suspicions, I was on my horse in the street when I discovered the scout coming in. I waited to see if my father was with them; but oh! the unspeakable anguish of that moment! Instead of seeing him I recognized his horse and saddle, rode by a drunken soldier. If ever the human countenance expressed the fiendish malignity of Satan, it was written in that man's face. I tried to stop him to learn where the owner was. He loaded me with the vilest abuse; said he did not care a d—n where he was! If I had seen my father murdered before my very eyes I could not have felt more awfully certain of his fate. I believe I screamed. Mr. James Stonum ran to me and asked me what was the matter. I told him as well as I could. He said it looked bad, but probably they had taken my father's horse and given him a more indifferent one to ride; that part of

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the scout had gone to the fair grounds by another street. Perhaps I would find him there, and he kindly offered to accompany me. He walked at my bridle and questioned every soldier. All told different stories, but two at last told me positively that they had come by our house and "left the old man at home;" that they had really nothing against him. When asked how the horse, then, came into their possession, I was satisfied when they told me that they were pressing horses every day, and had brought it on to town. Morton had not returned, and I was about to turn back from my fruitless errand, when my friend said, "I do not wish to needlessly alarm you, but I am far from being satisfied with these men's stories, and I advise you not to return home without seeing Lieutenant Morton. It is possible your father may be with him." We started back to town and met the Lieutenant; stopped him and asked for my father. He replied, "Left him in the brush." I cried out, "Then you have murdered him!" He dropped his head and never looked me in the face again. He said if it was any satisfaction to me to believe him murdered, I was welcome to think so; but he had made his escape from his sergeant and two men near the railroad and was in the brush, where he belonged; that he would sneak in that night! I replied that if he knew anything of my father, he would know he never associated with men of doubtful character; that such men as Hall and Bassett, who lived in the District, ought to know more of him than a stranger like himself; that he had no reason to fear being brought to trial, as he was well known to every leading man in the District, and did not doubt he could clear

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himself of any charges that might be brought against him. He said he knew he was well known; *that these preachers had more influence than any other class of men, and if they all had the benefit of a rope the country would be better off.* He would deny that he had killed him, but I could see he wished me to believe he was dead; and yet I begged of this heartless wretch—in a manner I would have scorned to have begged for my own life—to tell me where his body might be found. My every prayer was met by a cruel taunt and a brutal insult. Being convinced I could gain no concessions from him—that he only exulted in the torture he was inflicting—I left him to seek assistance elsewhere. I met with much *expressed sympathy*, but no *real help*—everybody was *afraid!* If he had been taken, who would be safe? Crushed with despair, I turned my sorrowful steps to meet the waiting, anxious hearts at home. How I reached there God only knows! The one mad conviction welled up from my agonized heart—I was the messenger of woe to the loved ones! The lightning bolt that would pierce my darling mother's heart would first fall from my lips! How could I go, yet how could I stay away! When the horrible desolation of the murderous assassin comes home to our own hearts, who can tell its bitterness save those who have loved and lost and suffered alike! We tried to rouse the neighbors to look for him, but they were afraid to go that night for fear of being called bushwhackers. How we lived through its long, wretched watches is known only to Him who never slumbers nor sleeps! Two young ladies went to town next morning to obtain permission to look for the body, fearing the consequences for their

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friends were they to undertake the search without it. A written permission was given by the Provost-Marshal for the friends to look for Mr. Payne, who was missing, and reported to be murdered. Some neighbors had collected in the meantime and found him about three miles from home, shot twice through the heart, the breast of his coat and hands being powder-burnt. He had upon his person his "protection papers" and the letter from Gen. Hall to Major-General Schofield. A neighbor went for the coroner (Mr. O. P. Riley) to hold an inquest He applied to Major John Green to furnish him an escort, who, instead of doing so, remarked if he undertook it he thought it more than likely some one would be employed to hold an inquest over him! The *Provost-Marshal* said if he was a *coroner* he would consider it more than his life was worth to risk it. Whether Mr. Riley considered these speeches as threats I can not say; but two things are certain—there was no escort furnished, and he did not go. He himself told me he knew he could not obtain a jury who would dare to render a verdict according to the facts.

"'The miscreants who thus foully murdered a good and true man, in giving an account of the hellish deed, said that they asked him if he did not want to pray, and while engaged in prayer they took his life! I have often wondered that if, in humble imitation of his suffering Master, his last prayer was not: "Father, forgive them; they know not what they do."

"'Miriam watched with a sister's love over the frail ark containing the infant Moses, whose destiny had been placed at the mercy of the Nile to escape the sword of the tyrant. "Rizpah, from the Rock Gibeah, guarded

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with sleepless eyes her loved dead, slaughtered for the sins of Saul, and suffered neither the birds of the air nor the beasts of the field to prey upon them by night or by day." But no such melancholy privilege was ours. No eye of affection watched the death sleep of our darling dead. His body lay out on the common more than twenty-four hours before we succeeded in having him brought home. We were warned it would not do to attempt a public burial—that the less the demonstration the better. Although a Mason, no resolutions of respect were offered; a Christian and a minister, yet we were denied the *prayers* of consolation which he had so often offered for others! He was buried as privately as possible in the *yard at home!* He, too, "with dyed garments has trodden the wine press alone." No loved one to wipe the death damps from his noble brow—to fold the pulseless hands and close the glazing eye. Nor have we a farewell word or a whispered blessing to soften the horrors of recollection!

"'Tis the disposition of some to bow to the storm—'tis mine to brave it. I knew it would be useless to attempt to have the murderers brought before a civil tribunal. As the civil law was almost entirely powerless, and the military in a great degree implicated in the "deep damnation of his taking off," I still determined to do all I could by seeking a military investigation. I thought if they would take action in any case, they would not let such an outrage go unrebuked and unpunished. The manner of his death would speak in thunder tones to the authorities of the utter inability to reach him in any other way than cold-blooded mur-

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der. It could not even be said we have a law, and by our law he must die. With this view I wrote to Hon. Silas Woodson, of St. Joseph, giving all the facts I had obtained in the case. He promptly came to my aid by placing my letter before General Hall, who indorsed it, and sent it to Major-General Schofield, requesting him to take the necessary steps to have the men brought to justice. A preliminary examination was ordered to take place before Major J. M. Bassett. I was summoned to attend. An inexperienced girl, I had never been in a court room nor heard an oath administered in my life. Solitary and alone I went, without counsel and against the advice of friends, sustained by the one mad hope of vindicating my father's memory by challenging those in power to justify the deed if they could. Major Bassett expressed much sympathy for me, and treated me very gentlemanly; summoned all the witnesses I wanted, and allowed me to select a lawyer (Judge Tutt) and submit the testimony to him, and pronounced with him the mass of testimony overwhelming, and said no military commission could fail to act on it. The evidence was expressed to Col. J. O. Broadhead, Provost-Marshal General of the State; was duly received and receipted for. Weeks lapsed into months, and not hearing from the case I wrote to Col. Broadhead to know if the trial, which had just closed at St. Joseph, was a farce—the semblance of justice, without its reality. In answer to which I received a prompt reply, saying he felt a special interest in the case, and would do all in his power for its prosecution—that he had sent an order for the arrest of the men, would have them brought to St. Louis for trial, and

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would send for me to attend. That was the last I heard of it. During the trial in St. Joseph, Major Bassett stated there was little doubt that assurance had been given by Colonel Harding that no investigation would ever be allowed, and appealed to General Hall to corroborate the statement. Not replying, I glanced at his face and read this determination: *"I would see the murderers punished, but don't expect any official assistance from me to have it done."* I tried Major Bassett on this point again when General Hall was not present. All the expression I could get was if the case was presented in the right shape to the Provost-Marshal of the State, Harding would be compelled to surrender the men.

"'After the close of the war I wrote again to Colonel Broadhead in reference to the affair. After some delay he replied—said he had the men arrested—that Colonel Harding was much incensed because they were charged in the warrant with murder. They were brought to St. Louis and turned over to an officer of his Department (he did not call his name) with instructions that if the evidence was sufficient, to prefer charges before a military commission. The testimony was submitted, and he decided *there was no case, and the men were discharged.* So much for justice from military despots in Missouri!

"'Whether these men were arrested or not I do not know. One thing I do know, however, and that is, that I was assured by the Provost-Marshal General that when they were arrested I should be notified of the fact, and that an opportunity should be given me to appear and produce the evidence of their guilt. This promise was never redeemed, and if the guilty mur-

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derers were arrested, instead of being tried, they were turned loose without the evidence being heard, with the seal of approbation of their murderous deed placed upon them by the highest military authority in the Department of the Missouri, and to the eternal disgrace of all connected therewith.

"'The murderers are still at large. Whether justice will ever be meted out to them depends upon the developments of the veiled future. But this I know, *there is a Power*, higher than the stars and deeper than the grave, that still rules in the counsels of men, and though they may escape human retribution they can not escape the *divine*. His blood, like the blood of the righteous Abel, will cry aloud unto Him who hath said, "Vengeance is mine; I will repay."

"'I have already stated that when I resolved to make an effort to induce the military authorities to investigate the circumstances attending the death of my father, I addressed a letter to the Hon. Silas Woodson, who was then the Judge of the 12th Judicial Circuit, soliciting his aid and advice in regard to the matter. I take the liberty of transcribing that letter herein, verbatim, although it was not written with the expectation that it would ever be published. This letter will show the estimation in which my father was held by the public, and the view that an impartial legal mind took of the affair at the time:

"ST. JOSEPH, June 24th, 1863.

"*Miss M. Lucilla Payne:* I was truly glad when I read your letter of the 19th inst., giving the horrid details of the assasination and death of your highly respected and deeply regretted father. Rumor had given several

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variant and unsatisfactory accounts of the sad affair; hence the great anxiety I felt, in common with Mr. Payne's numerous friends here, to know the facts as they really transpired. I need not say that your letter fully satisfied our wishes in regard to the matter.

"You have heard, I doubt not, before the present time that the 25th Reg. M. V. have been ordered to Vicksburg, and I suppose that they are now beyond the limits of the State. At all events they will be before a communication could reach St. Louis from here.

"It has never been pretended here, as far as I have heard, that an order was issued by Col. Harding or the Provost-Marshal for the arrest of Mr. Payne. Had such an order been issued I am sure that I should have heard of it, as I have heard the matter freely spoken of by both officers and soldiers in the military service. I do not know to whom the records kept at Col. Harding's headquarters were transferred when he left, but I suppose that they were taken away by him, as he was succeeded here by an officer in the militia, and not the volunteer service. It matters not, however, whether your father was arrested with or without an order for the purpose so far as the investigation desired by you is concerned. It is not the *arrest* of Mr. Payne, but his *murder*, that concerns his friends particularly, and I am sure that no officer in the army would more readily excuse his death by foul means when properly arrested and under the protection of the law than if he had been arrested without authority. No one who recognizes the obligations of law will excuse either officers or men in taking human life in the manner Mr. Payne was deprived of his. It was nothing more nor less than

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a cold blooded, heartless murder, in violation of all law, civil and military. The practical question, however, is, what can be done to punish the guilty perpetrators of the deed? I regret to say, nothing at the present time, in my judgment. Gen. Schofield, I think, would have been disposed, had he been fully in possession of all the facts, to have had the matter fully investigated before Col. Harding's command left the State. The command, though, is now beyond Gen. Schofield's military district, and consequently he has no control over it. The only hope is, that peace will once again be the lot of our distracted country—that the civil law will have its course, and all who have violated it have the proper punishment meted out to them. Time never operates as a bar to a prosecution for murder. When one feels that a great wrong has been done, that innocent blood calls aloud from the grave for the punishment of those who shed it, how hard it is to have to acknowledge our impotence! How sad to feel that we can do nothing! All I can say to you, and to all of the dear ones allied to my departed friend, is, trust in that God in whom he trusted, nothing doubting. Trust that justice will in the end be done, and that the memory of your father will, at the proper time and in the proper way, be fully vindicated. Most profoundly do I sympathize with you in your distress. Be consoled, however, with the thought that your father died regretted by the good on earth who knew him, and that he has gone to his reward in heaven.

"Truly your friend,

"SILAS WOODSON."

"'My narrative is now closed. Peace has come. But,

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alas! justice has not been done to my father's memory, nor have his guilty assassins suffered the penalty justly due to their great crime. The new Constitution of Missouri has changed that time-honored law alluded to in Judge Woodson's letter, and under it every sort of crime, even murder, if committed by a heartless villain in Federal uniform, and whilst in the military service, must for all time go unpunished. Since civilization first dawned upon the earth no soldier has been punished by any government for any act committed in the regular discharge of his military duties. But I suppose that the infamy was reserved for the author of our present Constitution to absolve from punishment the cold blooded murderer of a peaceable, unoffending citizen.

"'M. LUCILLA PAYNE.'

"After reading the foregoing account of the dreadful death of Mr. Payne, the question forces itself upon the mind, why was he murdered? That he was a most excellent citizen, an exemplary Christian, an honorable, brave, chivalrous gentleman, no one who knew him will deny.. That from the commencement of the late civil war up to the time of his death he studiously avoided all political strife, and did all in his power to mitigate the horrors of the war, and to protect and defend all within his reach from wrong, oppression and injury, is proverbial throughout the county in which he lived and died. These things all being so, strangers, and all unfamiliar with the horrid tragedies perpetrated in Missouri in 1862, 1863 and 1864, in the name of liberty, would be at a loss how to answer the question we have raised. But do not many of us know

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that the very traits of character attributed to Mr. Payne were dangerous endowments at the time alluded to? Mr. Payne had published to the world, in 1861, that he was a *constitutional union man!* Who, in 1863, could utter a sentiment more obnoxious to those in authority in Missouri? Mr. Payne's whole life had shown in what utter detestation he held everything that was mean, low and contemptible. He was day by day preaching the doctrine of forbearance and charity. By every means in his power he was inculcating the great truths of the religion he professed. He taught that it was wrong to steal, to rob, to murder. He had no compromise to make with sin, oppression and cruelty. The world may make the application of what we have said. That the time will come when Mr. Payne's virtues will be appreciated, and when his memory will be most affectionately cherished, is just as certain as is the arrival of the day in our history as a people when all bad men shall be consigned to that odium in public estimation which their conduct merits. When the good triumphs over the bad—when passion, as a controlling element, gives place to reason—when law and justice, and not brute force and party spirit, govern in the States and the nation—then, and not till then, will the name of Augustus Payne shine with that lustre it so richly merits; and then, and not till then, will the names of his murderers sink into fathomless and deserved infamy."

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CHAPTER VIII.

REVS. TYSON DINES, WILLIAM POLK AND THOMAS JOHNSON.

Rev. Tyson Dines—Sketch by Dr. Farris—His Character—Arrested, Imprisoned, Exiled—Charged with "General Disloyalty"—*Rev. William Polk*—A Baptist Minister—Shot Down in Cold Blood near his House—Particulars—A Good Man Martyred—*Rev. Thomas Johnson*—A Representative Man—Character of the Pioneer Preachers—His Life and Labors on the Frontier—Long Connection with the Indian Missions—The Early Settlers—The Territory and State of Kansas—Mr. Johnson in the Legislature, the Territorial Convention, and in the Congress of the United States—As a Preacher and a Church Legislator—His Loyalty to the Government—Political Sentiments—Murdered at Midnight, Jan. 1, 1865, in his own House—The Assassins—The General Gloom—Reflections.

REV. TYSON DINES.

No minister of the Gospel in Missouri found protection solely in his holy calling from the general persecution. Goodness, meekness, faith, humility and singleness of heart and life to the glory of God and the salvation of men, nor all the other high and holy virtues that distinguish the true minister of Christ, could furnish indemnity against the political inquisition and loyal espionage that crowded so many loathsome prisons with the best and purest men of the country. Dungeon doors opened freely to receive men who were guilty of no crime under heaven, and military bastiles were crowded with non-combatant citizens, many of whom were ministers of Christ—the anointed of Heaven.

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Few men in the State or out of it had kept so clean a record, made so few enemies, maintained so pure a character, and kept himself so scrupulously and successfully from the exciting partisan events and issues of the war as the Rev. Tyson Dines. He had even abstained wholly from reading the papers, lest he should know, and think, and then talk about the terrible events of the hour; and that he could be guilty of perverting his pulpit in any way to partisan purposes no one who knew him will believe for a moment; and the charge of "general disloyalty" was too transparent to deceive anybody.

The heartless cruelty to which Mr. Dines was subjected in his arrests, imprisonment and exile bear too plainly the marks of the beast to be excluded from the general catalogue of names that were to feel the hand of persecution and the consuming power that was "breathing out threatenings and slaughter against all that were of this way."

It recalls the scenes of the dark ages to see ministers of the gospel torn from their families, thrust into prison, doomed to torture, and sent into exile for many long, weary months, without knowing the specific charges preferred against them—without trial or conviction.

Mr. Dines was paroled to St. Louis county for nearly ten months—separated from his family and flock only by the Missouri river, and daily tortured by the sight of his home without the privilege of an hour's visit to its loved ones, who in turn were tortured by the daily sight of husband and father walking "the other shore" alone and sad, as if that river were an impassable gulf.

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Mrs. Dines often, with provisions furnished by sympathizing friends, would take her work and spend the livelong day with her exiled husband in the friendly shade in sight of home, and try to cheer his patient, lonely life. Unclean diabolism only could inflict such arbitrary pains and penalties upon such a man.

The following account of his trials and persecutions is from the friendly and fearless pen of Rev. Robert P. Farris, D.D., editor of the *Missouri Presbyterian:*

"Rev. Tyson Dines.—When the war began this esteemed brother was in charge of the M. E. Church, South, in St. Charles. The writer of these lines, not belonging to his denomination, knew him well and loved him as a child-like Christian, a faithful preacher of the Gospel for twenty-five years, a high-minded man, a most prudent pastor. Determined to know nothing but Christ and Him crucified, not only did he keep political and the exciting topics of the day out of his pulpit, but also he sedulously kept aloof, as far as was at all possible, even from his own parishioners, so as to avoid conversing about the war, and refrained absolutely from perusing newspapers so that he might be ignorant of, and uninfluenced by, and unable to talk of the current, terrible events. Yet this man, because he pursued this course, and would not prostitute his office and influence to the schemes and passions of the hour, was accused, in a public speech, July 4th, 1862, by Walter W. Edwards, then Prosecuting Attorney, now Circuit Judge, of praying in his church publicly for 'Jeff. Davis and the success of the Southern Confederacy.' Of course the design of this lying villification was to make Mr. Dines obnoxious to the military authorities, and thus

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to secure his removal and the closing of his church, or its perversion to the purposes of the party in power.

"In September, 1862, Mr. Dines was arrested on the charge of 'general disloyalty.' (Does anybody know what that is?) He was arraigned before one Lewis Merrill, Brigadier-General commanding the District—a profligate and a poltroon. The following conversation was held:

"*Merrill.*—'Mr. Dines, are you a minister?'

"*Mr. Dines.*—'Yes, sir.'

"*Merrill.*—'Of what denomination?'

"*Mr. Dines.*—'Methodist Episcopal?'

"*Merrill.*—'Methodist, South?'

"*Dines.*—'Yes, sir.'

"*Merrill.*—'Well, sir, that of itself is enough to condemn you.'

"And during the interview the licentious coward presumed to say, in a rough, brutal manner, to the meek and venerable servant of Jesus—'Mr. Dines, you have read the Bible to little purpose; you are ignorant of the Scriptures.'

"Mr. Dines was held to be guilty of 'general disloyalty,' and Merrill sentenced him 'to be confined during the war,' and soon sent him under guard to Gratiot Street Prison, St. Louis.

"Here a friend and fellow-prisoner, who was well acquainted with Judge H. R. Gamble, then Governor of the State, wrote to that functionary, detailing the facts in Mr. Dines' case—his age, his devoted piety, his long service as a minister, his feeble health, his dependent family, his prudence, his quiet walk, his outrageous treatment, &c., suggesting, that if the Government must

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have sacrifice and not mercy, the writer, who was young and stout, asked no favors for himself, and was willing to endure the imprisonment, but entreating the Judge to interfere for Mr. Dines' release.

"Gov. Gamble heeded the request, and secured a hearing for Mr. Dines before the Provost-Marshal, who immediately released Mr. Dines *on parole*.

"The evening of that same day found Mr. Dines at his house in St. Charles, in the midst of as happy a family as the sun ever shone upon. Praise and thanksgiving went up from full, grateful, glad hearts around the family altar that night. But, alas! some son of Belial had informed, by telegraph, Gen. Merrill of Mr. Dines' return on parole, and next morning, before breakfast, a telegram came from Merrill ordering Mr. Dines to 'leave the district in twenty-four hours.'

"Mr. Dines was compelled to obey, and for more than eight months was kept an exile from his home and flock."

It is impossible to form a proper conception of the sufferings of a man of his temperament and spirit in that loathsome prison and that cruel exile. His mental anxiety on account of his family was partially relieved by the kindness of the Church and community from which he had been torn by arbitrary power and exiled for no pretense of crime. His family were supported by the people who were thus deprived of his ministry.

REV. WILLIAM POLK.

It is sad to record the wanton murder of so many good and true ministers of the Gospel, so many who had spent half a lifetime in their holy calling, and done

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so much good in their day and generation. In what rapid succession did they pass away by the hands of violence during those dark and bloody days! In no part of the State were ministers exempt from persecution and suffering for righteousness sake.

The name of another good and useful minister of the Gospel, and the manner of his cruel murder, must find a place here and illustrate this sad history.

The Rev. William Polk was a minister of the United Baptist Church, and resided eight miles east of Ironton, in Madison county, Missouri. He had been a minister of the Gospel over thirty years, and much of that time was a member of what is known as the Bethel Association. As a minister he had been the means in the hands of God of doing much good. His labors extended through the counties of Iron, Madison, St. Francois and Reynolds, in which he had been extensively useful and wielded a very large influence for good. At one time he published a religious newspaper at Ironton, Iron county, which circulated principally in Southeast Missouri.

Mr. Polk was a peaceable, quiet, orderly, upright man; intelligent and honored in all the relations of life and loved and respected by all who knew him.

The following brief statement will bring sadness to many fond hearts:

"On the 4th day of November, 1864, three men belonging to the Missouri State Militia, then stationed at Ironton, went to the house of Rev. Mr. Polk and arrested him in the presence of his family. They robbed him of his money, about forty dollars, and started off with him, as they said, to Fredericktown. The

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conversation at the house, when he was arrested, and many other intimations of their purpose, induced Mr. Polk to anticipate their designs. They started with him toward Fredericktown, and after going about one hundred yards from the house they shot him three times, killing him instantly. After seeing him fall and expire they rode away, leaving his lifeless body in the road as it fell. Before leaving the house Mr. Polk was so certain that he anticipated their designs that he told his wife and children that they would kill him. He also told his captors, in the presence of his family, that he was aware of their intention, that he was prepared to die, had no fear of death, and that he forgave them, and from the sincerity of his heart prayed to God to forgive them.

"Rev. Wm. Polk was a true man, a good neighbor, a generous friend, a useful minister, highly esteemed by his Church, respected and beloved by all who knew him, and his death, together with the manner of it, is deeply regretted in all this section of the country. He was fifty-eight years of age."

It is scarcely a matter of doubt in the minds of those in the community where Mr. Polk was murdered as to the author of the horrible crime. About a year after the war closed the Grand Jury for Madison county found a true bill of indictment against one David Manning for the murder of Mr. Polk. He was duly arrested and by change of venue formally tried in the Circuit Court for Iron county. The evidence against him was very clear and positive, but the jury, for reasons best known to themselves, declined to convict him. The determination to acquit Manning was so apparent that

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the attorneys for the prosecution absolutely abandoned the case in disgust and contempt.

This Manning belonged to the command of a Major Leeper, stationed at Ironton at the time of the murder. The responsibility of this foul murder reaches those who were high in authority; and the names of other well-known ministers had been put upon the "dead list" at the same time.

The murderers went from the dead body of Mr. Polk to the residence of Rev. Andrew Peace, of the M. E. Church, South, with murderous intent. Not finding him at home they departed, but returned again in about two weeks to find Mr. Peace absent again. They were so enraged that they shot and killed a young man on the spot, and also shot down the stock belonging to the man whom a kind Providence shielded from their bloody purpose.

Should any be tempted to question the correctness of these statements, he is requested to call on the author.

Of what crime were these good men guilty? When, where, by whom were they tried, convicted and sentenced? Who were their accusers, judge and jury? All the efforts made to ascertain the crime for which Mr. Polk was murdered, or the accusation against him, have been fruitless. The only rational hypothesis seems to be this, that the general spirit of persecution marked Mr. Polk as its victim because he was a minister of Christ, a good and useful man, and the cowardly instruments stood ready to execute the decree of this modern Antichrist of which those in authority, with their aiders and abetters, seem to have been *possessed*. The spirit of an unclean devil entered into them, and God's high

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and holy ambassadors were the victims. "Who shall lay anything to the charge of God's elect? It is God that justifieth. Who is he that condemneth? It is Christ that died; yea, rather that is risen again."

REV. THOMAS JOHNSON.

"Some there are
By their good deeds exalted, lofty minds,
And meditative authors of delight
And happiness, which to the End of Time
Will live, and spread, and flourish."

To understand any people, country, age, or church, we must study their representative men. Methodism, more, perhaps, than any other form of religious thought and life, expresses itself in biography. And to understand and appreciate Methodism as it existed in the West twenty or forty years ago we must study its representative men. The statistics of the Church, and the system of Conferences, districts, circuits, stations, missions and all other external machinery, will give but a very imperfect idea of Methodism. Some one said that "Plato is philosophy, and philosophy is Plato;" and with still more of truth it may be said, that Methodism is biography, and all pure, religious biography is Methodism—that is, the Methodism of Wesley, and Asbury, and Soule, and Pierce, and Johnson, does not exist in a highly toned ecclesiasticism, or in the machinery of Church government and ministerial orders; nor yet in the formularies, ordinances and modes of worship; neither in antiquated history, imposing ceremonies, successions, ordinances, ritualism, romanism, conferences, assemblies, presbyteries, sessions, vestries, surplices, mitres, hosts, *Te Deums*, or any other *creature*, but in the hearts and lives of men.

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Methodism, as it existed in its older and better models, was not a theory, but a substance; not a system, but a life; not a theology, not a pathology, not a law, a ritual, a formula; nor yet a system of ethics, or school of æsthetics, as such, but a living principle, a divine power, a holy unction from above, a vital energy, a life—a new life, a life of love, a life of faith, the life and power of God in the soul, and the glory of God as the object and end of life. "For in Christ Jesus neither circumcision availeth anything, nor uncircumcision, but a *new creature.*" This is Methodism, this is Christianity. And, as it existed in the olden times, it distinctly set aside that which is external as incidental and not essential, and insisted upon conviction for sin, repentance, faith, justification, regeneration, sanctification and holiness of heart and life, "without which no man shall see the Lord."

It is equally true that this form of Christianity impressed itself upon the world by organized methods, and through the machinery of the Church carried on its working Evangelism, ever reproducing and repeating itself in the hearts and lives of men seeking and saving that which was lost, and "spreading Scriptural holiness over these lands." But to understand its spirit, tone, temper, life and power, we must study its representative men.

Each system of thought and life graduates itself and is scheduled in the men who profess it. The gradations reach from the primary forms to the highest and most perfect models, and each degree, from the lowest to the highest, has its human type. To find its best representative men requires a simple mathematical calcula-

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tion. Add up the elements, from the lowest to the highest, and then square the sum. Or apply to the system the plan of the old Greek Eclectics—compound the elements and then label the product. It is safer, however, to analyze the elements, and classify them, and then strike off a balance. Various methods are employed to ascertain the best models and types of representative men—all, perhaps, unimportant in this connection. One fact will be generally accepted: that the best representative men are those who combine in themselves the more distinctive and general characteristics of the system or people they represent. No man or minister combined in himself, perhaps, more of the distinctive features, peculiar spirit and distinguishing characteristics of Western Methodism than the Rev. Thomas Johnson.

Nature is constantly throwing up great men, model men, representative men, to receive and bear her purest mould and reflect her divinest image. A truly great man must have great affinities, great powers of assimilation, and great force of character. He must control the elements and forces about him, appropriate and fertilize the thoughts and opinions of others, create and sustain the vital elements of a character that will absorb his own times, broaden his sphere of activities, brighten his horizon of observation, and move and magnetize his contemporaries, so that men can not think on certain levels except through him. When a man reaches that point where he stands between truth and every man's mind, and impresses his own image and superscription upon the primary forms of thought, and sometimes the very language of his times, he is a great

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man, in the proper sense of the term, if not a representative man. Yet all great men are not representative men. And, certainly, all distinguished Methodist preachers are not representative men. Whitefield, Summerfield, Bascom, Maffitt and Munsey are not representative men. They are geniuses, and Methodism is not a genius; they are prodigies, perhaps, and Methodism is not even a moral prodigy. It is said that Helen of Argos was possessed of that universal beauty that made everybody feel related to her. And the man who is the best representative of Methodism must possess more than others those distinctive characteristics of Methodism that will make every Methodist of his day and times feel related to him.

It will not be considered an invidious distinction or an exceptional partiality that assigns to the subject of this sketch, Rev. Thomas Johnson, the high position of a representative man in Western Methodism. Few men of his day and times combined more of the distinguishing features of his Church, and perhaps none in the Western Conferences stood out more conspicuously as a representative and type of that form of evangelism that pioneered the western territory and laid the foundations of Methodism. He loved the frontier work and spent more of his life upon the "borders of civilization," educating, civilizing and christianizing the red man of the West and the early frontier settlers than any other man in the Church, except, perhaps, *John Harrell.* For many years the "Shawnee Manual Labor School," with the name of Thomas Johnson, stood as a lone beacon far out upon the unreclaimed and untamed wilds of the West, pointing the Star of Bethlehem with the

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"Star of Empire" toward the setting sun; and as the mighty tide of emigration swept on and peopled the vast country to the west and south the "Manual Labor School" became an important base of supplies and centre of evangelical operations for the early missionaries of all the Churches; and Mr. Johnson's spirit infused itself into all the Western missions, and his character reproduced itself in all the phases and forms of evangelical life along the frontier. Western Methodism is at once his type and archetype, his image and his monument. Her altars bear his monogram and her temples his epitaph. He breathes through her piety, lives in her history, and is crowned in her martyrdom. A devoted and distinguished servant of a persecuted Church, he "died at his post." God buries his workmen, but carries on the work.

Mr. Johnson was never considered a brilliant preacher, but a sound, clear, forcible and able expounder of the Gospel. As a pioneer in the West and a legislator in the highest ecclesiastical body of the Church, Mr. Johnson had few superiors, if any. His judgment was always calm, wise, broad and comprehensive, and to the Indian, the emigrant, the frontier settler, the missionary, the legislator, the speculator, and all other classes upon the borders of advancing civilization, he was a wise counselor, a true friend, a good Samaritan; and as such his name, with the many noble qualities of head and heart for which he was justly distinguished, will ever be fragrant in the hearts and homes of the early settlers. He was a member of the first Territorial Legislature of Kansas. He was also president of the first constitutional convention to frame a constitution

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for the Territory of Kansas, which convention held its sessions at the Shawnee Manual Labor School, of which Mr. Johnson was superintendent. When Kansas was erected into a Territorial government he was, almost without opposition, chosen to represent the Territory as the first delegate in the Congress of the United States. As a member of Congress he took rank at once with the wisest and ablest men of that representative body. He impressed the broad views and liberal policy of a wise statesmanship upon the institutions of his western constituency, and his name is forever associated in honorable connection with the territorial history of that interesting and important part of our broad national domain. He not only occupied a high position in the civil and ecclesiastical councils of the West; but few men stood higher or wielded more influence in the General Conference of his Church, to which he was generally elected—rarely ever left out of that, the only legislative body of the Church. Indeed, the Church could illy spare such a man from her legislative councils during such exciting and perilous times as those which marked the division of the Church in 1844 and its subsequent history.

While Mr. Johnson may justly be regarded as one of the finest representative men in the West, he possessed in an eminent degree the elements of true greatness founded in goodness and sanctified by divine grace to the highest and holiest uses of the Christian ministry. As a minister of the Gospel he was a true son of Wesley and an *alumnus* of Missouri. He entered the ministry in Missouri at an early day and grew up with the noble band of her pioneer men whose names are

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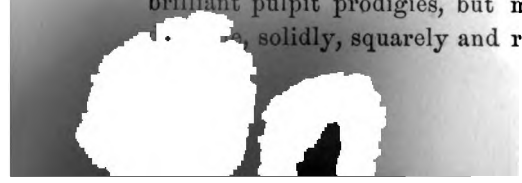
written upon the foundations of Methodism — great men, good men, heroic men, who adorned and illustrated the annals of the Church in her heroic days. John Scripps, W. W. Redman, John Harris, Andrew Monroe, Jesse Green, Jesse Hale, Urial Haw, John Glanville, Joseph Edmonson, Edward T. Peery, Benj. S. Ashby, Alex. McAlester, N. M. Talbott, J. C. Berryman, the brothers William, Ben. R. and Thos. Johnson, and many others who pioneered the wilderness, pursued the Western tide of emigration, laid the Bible hard by the woodman's ax, proclaimed life and salvation in the frontier cabin, erected the altar upon the "dirt floor" of the rude hut, gathered around it the uncombed and unschooled children of the hardy pioneer, and offered from it the heart and voice of prayer and thanksgiving to Israel's God; gathered the half nude and untamed savages of the West under the friendly shade of the unfelled forest and around the wild "council fires" to tell them of Jesus and the resurrection, and thus lay broad and deep the foundations of the Church in the great West. A nobler, a better, a truer, a more self-sacrificing, heroic, God-fearing and soul-loving band of men never bore the cross, unfurled the Gospel banner, or endured hardness as good soldiers.

The State of Missouri has contributed many distinguished names to the Methodist Church and many conspicuous lights to the Methodist pulpit. It is almost as natural for Missouri to produce great preachers as it was in the better days of the Republic for Virginia to produce great statesmen. Not wonderful geniuses or brilliant pulpit prodigies, but men, able in word and [illegible] solidly, squarely and roundly great—equal to



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any work and above none; thorough, reliable and useful ministers of the New Testament; not meteors, lighting up the heavens with transient beauty and brilliancy, but stars of the first magnitude, with a steady, sustained light streaming down from the high empyrean. Not presumptuous egotists, surfeited with overmuch learning and inflated with overmuch vanity, but humble, unpretentious, self-denying, holy men of God, "mighty in the Scriptures," and "esteeming themselves of no reputation." Such men are indigenous to Missouri, and adorn the pulpits and grace the annals, not only of the Methodist, but also of all the other old established Churches of the State. Such a man was the Rev. Thos. Johnson.

These general reflections will be appreciated as a just and highly deserved tribute to his position, character and real worth, and a proper introduction to the following meagre biography, closing with the bloody sequel and murderous tragedy of his death:

Rev. Thomas Johnson was born in Nelson county, Va., A. D. 1804. Of his parentage and early history but little is known to the author, nor is much necessary to the purpose of this narrative.

In the fall of 1825 he emigrated with his parents to Missouri. In September, 1826, he was received on trial in the Missouri Conference, during the session of the Conference which was held at McKendree Chapel, Cape Girardeau county, Mo., Bishop Roberts presiding and John Scripps acting as secretary. The Conference, which at that time embraced all of the States of Missouri and Arkansas, numbered just twenty traveling

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preachers and three thousand three hundred and sixty-four members, all told.

With Mr. Johnson there were also admitted on trial into the Conference, this year, John Curitan, Parker Snedecor, John Wood and John W. Yorke.

Mr. Johnson's first appointment was to Mount Prairie, in the Arkansas District, with Jesse Hale as his Presiding Elder. The next year he was returned to Mount Prairie, which was in those days considered quite a compliment to a young preacher. At the Conference of 1828, held at the old Fayette camp-ground, Bishop Soule, President, and James Bankson, Secretary, Mr. Johnson was admitted into full connection, with Parker Snedecor, J. W. Yorke and A. Norfleet; ordained deacon and appointed to Fishing River, with Jesse Green, Presiding Elder, and John Trotter, junior preacher. The next year he was sent to Buffalo. At the Conference of 1830, in St. Louis, Bishop Roberts ordained him Elder, and sent him to the "Shawnee Mission." This was his first appearance on the border and amongst the people with whom so many years of his subsequent life was spent. The next year he was appointed to what was called the "Kansas Mission," with his brother, William Johnson, junior preacher.

In 1832 the General Minutes contain the following: "Indian Missionary District, *Thomas Johnson*, Superintendent. Shawnee Mission and School, *Thomas Johnson* and *Edward T. Peery*." In 1833 he was again appointed to the Indian Mission District, and his brother, *William*, to the Shawnee Mission and School. He was continued as Superintendent of the Indian Mission District and in connection with the Shawnee

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Mission and School until 1841. For several years after this date he filled other important appointments, and labored in other parts of the vast territory then occupied and cultivated by the Missouri Conference.

When, in 1847 or 1848, the U. S. Government erected some of the Indian Missions into Manual Labor Schools, for the education and civilization of the Indians, Mr. Johnson became permanently identified with them, and whether at the Fort Leavenworth or the Shawnee Manual Labor Schools and Christian Missions, receiving his support from the U. S. Government or the Missionary Society of the Church, he labored faithfully, zealously, wisely and successfully in the great work to which he was called, and for which he was so eminently qualified by nature, culture and grace.

The part he took in the early formation of the Territorial and State Governments of Kansas, to which reference has already been made, was not from any fondness for political strife or desire for place and distinction in the affairs of the Government, but because his wisdom, his judgment and his eminent statesmanship were required, solicited and demanded by the best interests of that part of the country with which he had become fully identified. He gained a national reputation, and retained his high place in the confidence of the people unimpaired to the last, and his children after him have the heritage of a name that will not soon pass from the earth.

He was frequently and extensively spoken of in connection with the highest office and honors in the gift of the Church; and yet he was so quiet, so humble, so approachable and so generous in his feelings for the

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low, and the poor, and the suffering, that, with his benevolent countenance and his frank, open manners, the savage Indian was awed into reverence, the lonely wayfarer felt drawn toward him, the poor, the sick, the dying found in him a counselor, a friend, a brother, and the dirtiest and lowest Indian child learned to rejoice in his coming, and hail with many expressions of pleasure the notice of the "Big Chief," a patronymic which the tribes gave him wherever he was known.

He kept himself aloof, with great propriety and prudence, from the Missouri-Kansas broils of 1856, and when the civil war broke out, in 1861, he was found loyally and positively on the side of the Union. He took no part in politics, and determined to keep out of the war; but a man so well, so long and so extensively known, living on the very borders of strife, and between the two opposing sections, as it were, could not keep from the public, nor did he care to conceal his sentiments on the great issues that were convulsing the country from one end to the other. He opposed secession on the one hand and coercion on the other. Yet he loved the Constitution and the Union of our fathers, and rather than see the one destroyed and the other dismembered he would favor a resort to arms. His loyalty to the government was never called in question, nor was his love for and loyalty to the Church of his choice—the M. E. Church, South—ever doubted. He was a living and a sublime refutation of the oft repeated falsehood that Southern Methodism and secession were one, and that a Southern Methodist preacher was, *per se*, a rebel and a traitor. Mr. Johnson loved the Union of these States, and was loyally and earnestly and

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notoriously in favor of its preservation; but he loved his Church, her discipline, her doctrines, her principles, and was just as loyally, earnestly and notoriously in favor of the preservation of her distinctive identity. He was equally opposed to secession in the South and Abolition fanaticism in the North, and he believed that they were alike dangerous to the peace and safety of the country—that the ultimate triumph of either would break up the government bequeathed to us by the patriot fathers of '76 and '87.

With such sentiments it is not surprising that he was harassed, first by one party and then by the other, during the early part of the war. He was often required to provide for and feed soldiers, and his horses, wagons, feed and provisions of every kind were pressed into the service of the army.

At this time he was living on his own farm and in his own elegant residence, two miles southwest of Westport, in Jackson county, Missouri, three miles from the Kansas State line, and five miles from the old Shawnee Mission, which had ceased to be a manual labor school for the Indians. The whole property had been donated to Mr. Johnson by the Indians, and purchased by him from the government, and was now occupied as a residence by his eldest son.

After the first two years of the war Mr. Johnson was molested very little, and yet such was the reign of terror along the border that he never felt entirely secure. So many good men had been murdered, and so much property had been destroyed, and panic and consternation had been so often created during the war in that county, and he had passed through it all so safely, compared

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with thousands of others, that by the close of 1864, after Price's army had made the boldest and the last raid into Missouri, and had passed away from the borders of Kansas, he began to feel pretty secure.

His suspicions of foul play had often been aroused, but just as often allayed. During the Christmas holidays that closed up the year 1864 he was again induced to believe that he had enemies who might possibly be plotting his destruction, but who they were, and why they wished to molest him, he had no means of knowing. His suspicions again passed away, while he retained his caution.

On the first day of January, 1865, and while the younger members of the family were from home enjoying the festivities incident to the day, a squad of militia rode up to the house, dismounted and walked in to warm, as they said, for the weather was bitterly cold. It was nearly night, and Mr. Johnson, his wife, one son and two little girls composed the family circle for the evening. The soldiers were civil and pleasant, and sat around the fire until nearly eleven o'clock at night, when they arose, bowed themselves out, mounted and rode away. Mr. Johnson felt relieved, had family worship, and all retired. Just at midnight, and before Mr. Johnson had fallen asleep, he was aroused by the tramp of horses, the clashing of sabers and the voices of men at the gate. He arose and saw through the window thirty mounted men. They first asked the way to Kansas City, five miles distant. They then asked if they could come in and warm. He told them that there was no fire, and his family were all in bed. They then wanted water. He told them where the cistern was.

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By this time a number of them had dismounted and walked up to the porch, Mr. Johnson, the meanwhile, remaining in the hall, with the door opened just enough for him to put his head out and talk to them, *en dishabille.* When he saw them approaching, after so many expressed wants, he feared that they meant mischief, and he went in and shut the door. They then demanded admission, and began to force the door in. They swore that if the door was not opened they would break it down, and just as Mr. Johnson turned the key to lock the door they *fired,* the balls passing through the door, and one of them took effect in the region of the heart. He sank down speechless, and in a few minutes expired in the arms of his grief-stricken wife. He never spoke after the fatal shot. The fiendish murderers still demanded entrance. They were refused. They tried to break down the door, fired several shots into the house, and finally set the house on fire. The heroic woman firmly maintained her rights, and protected the lifeless body of her loved husband, as well as the sacred shrine of her cherished home, from the sacrilege and profanation of a brutal soldiery. She put the fire out, and maintained herself in her own home.

The soldiers, satisfied with their bloody work, or defeated in their efforts to commit other outrages, mounted and rode away, leaving to a darkened home and a broken-hearted widow the legacy of a martyred minister of Jesus.

Who these murderers were, where from, and why they murdered this good and holy man, was not known at the time, and has never, to this good day, been ascertained with any approximate certainty. They came at

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midnight, accomplished their bloody work, and departed, none knowing whence, why, whither. The next day the sad intelligence spread far and wide, and the general gloom and sorrow could scarcely have been equaled by the loss of thousands of men in battle. It was a universal grief, caused by the fact that a good and great man had fallen by the hands of midnight assassins. No definite traces of the murderers were ever discovered, and conjectures have filled the minds of all as to who they were and why they took his life. Many believed that it was because of his strong Union sentiments, and that "bushwhackers" were his murderers, while just as many believe that it was because he was a Southern Methodist preacher, and that "jayhawkers" were his murderers. God only *knows*, and eternity will certainly reveal both. It is one of the great mysteries that we may know hereafter. But why were Green Woods, Nathaniel Wollard, Thomas Glanville, George Sexton, Edwin Robinson, John L. Wood, Augustus Payne, Wm. Polk, S. S. Headlee, and many other good and holy men of God, murdered—*martyred?* Aye, why?

"Death loves a shining mark, a signal blow—
A blow which, while it executes, alarms.
And startles thousands with a single fall."

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CHAPTER IX.

BY REV. J. H. BROOKES, D. D.

PRESBYTERIAN CHURCH—REV. DR. M'PHEETERS, REV. DR. ANDERSON AND OTHER MINISTERS, AND RULING ELDER HARVEY T. M'CUNE.

Views of Primitive Christians concerning War—Conduct of Modern Christians—Boston Peace Society—The Ruling Elders of Park Avenue Church—*Rev. S. B. McPheeters, D. D.*—Order for His Banishment—Contempt for President Lincoln's Authority by His Subordinates—Unrighteous Proceedings by a Minority of the Presbytery of St. Louis—Action of the General Assembly—*S. J. P. Anderson, D. D.*, and others—Murder of Ruling Elder *Harvey T. McCune*—The New Constitution.

I have sought to forget the dark and dreadful years of the civil war, when the ferocity of man's unrestrained passions was not more fully exhibited than was the open apostasy of the Christian Church. I seldom read a secular newspaper, and have dismissed the affairs of the country entirely from my attention, because the Lord has enabled me to recognize the solemn truth of His word that "*our* citizenship is in heaven, from whence also we look for the Savior, the Lord Jesus Christ."

But inasmuch as God has put it into your heart to write the sad history of "Martyrdom in Missouri," I can not refuse compliance with your request to furnish from my personal recollections a few incidents that may illustrate the subject with which you are dealing. I do this not to arouse the revengeful feelings of the past,

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but to aid you in some feeble measure in putting our brethren on their guard against the perils of the future. That these perils await us or our children is obvious to all who are not totally blind to the predictions of the sacred Scriptures and to the ominous signs of the times. The only thing under God that can avert, or rather postpone, the evil day is a pure, unworldly Christianity, and the late strife too conclusively proved that such Christianity as this belonged to a former age.

For two hundred years after the birth of the Savior, if Tertullian and other early writers can be believed, no Christians were to be found in the Roman legions, and many of them cheerfully endured death rather than violate the precepts of the Gospel, that not only forbid war, but lay an arrest upon the dispositions out of which war always springs. In our day, however, we have seen houses of worship dedicated to the service of the Prince of Peace turned into recruiting offices, and ministers of the blessed Jesus the foremost in hounding on a brutal soldiery to deeds of violence and blood. Christians by thousands, not unfrequently led by their pastors, rushed into the army "to steal, and to kill, and to destroy," utterly unmindful of their Lord's commands, "thou shalt not kill;" "resist not evil;" "whosoever shall smite thee on thy right cheek, turn to him the other also;" "love your enemies; bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you."

Even a Peace Society long established in the city of Boston seemed to forget in an instant the truths they had labored to disseminate, and with ludicrous and shameful inconsistency trampled their pretended prin-

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ciples under foot when their own countrymen provoked them to anger and became the objects of their relentless vengeance. If the public prints of that period did not bear false witness, they made an exception by formal resolution to all they had been publishing for many years against war in favor of "crushing out the rebellion," and were hurried by the force of popular fury from what was supposed to be their honest convictions, as withered leaves are swept away by the blast of the tempest. Ecclesiastical bodies, that possessed no authority and had no rightful existence save as gathered together by the Holy Ghost in the name of Christ, were fierce and clamorous in their expressions of "loyalty," in denunciations of "traitors," in dictating the policy to be pursued by Government, and in committing the Churches they represented to the fell work of destroying the lives of those bound to them by the ties of a common ancestry, a common history and a common faith. One was reminded of the heathenish scene which occurred in the theater of Ephesus, when "the assembly was confused, and the more part knew not wherefore they were come together," and all with one voice cried out, "Great is Diana of the Ephesians."

As the Church of God, therefore, forgot her "heavenly" and "holy" calling and became an earthly political assembly, it is not surprising that in the condition of society which was found in this State she soon furnished materials for the history of "Martyrdom in Missouri." Having committed spiritual whoredom, as the word of the Lord so emphatically and significantly terms her departure from Him and her alliance with the world, she soon lost all shame, and did not hesitate

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to use military men for the accomplishment of her unhallowed purposes, as well as to be used by them at their pleasure for the execution of their plans.

A fact or two will confirm the truth of this assertion, which it is so humiliating and painful to make. Very soon after martial law was established in St. Louis, in the first year of the war, I learned that the three Ruling Elders of the Park Avenue Presbyterian Church in this city had been arrested and thrown into the "negro pen," as the prison in which they were confined was then called. Two of them were among our best known citizens, and were universally respected for their high character as Christians and for their unquestioned integrity in all the business and social walks of life. The third was not so prominent, perhaps, in society, but, so far as I know, was a man of unblemished reputation and a faithful disciple of Jesus.

Having obtained permission to visit them, I was informed that they had been torn from their families and their avocations and incarcerated in a filthy building, formerly occupied by slaves, on the charge that they had voted to accept the resignation of their pastor when offered at a meeting of the Church. The military authorities had been led to believe that they would have voted against accepting the resignation if the preacher had not been "loyal," and as the Provost-Marshal said to me, he was "determined to protect Union men."

In the providence of God credible testimony was soon obtained and laid before the officer proving that these Elders and others in the Church had been dissatisfied with their minister long before the war began, and were

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only waiting a favorable opportunity to insist upon a dissolution of the pastoral relation. It was further shown from the records of the session that the paper offering his resignation had been drawn up by himself, and that not the slightest allusion was made in it to his political sentiments as a reason why he asked to be released from the care of the Church. Indeed, the elders assured me that at the commencement of the conflict he was so open in his expression of sympathy with the South that they cautioned him to be more discreet in giving utterance to his views, and urged him to attend strictly to his sacred calling. When afterward asked by the Rev. Dr. McPheeters, who frequently mentioned the circumstance, whether he had not caused their arrest, he replied that he had not, for they owed him money, and of course he would do nothing to risk its payment. He proceeded, however, to publish a communication in the daily papers, which his former Elders pronounced scandalous and untrue, but they were forbidden by the Provost-Marshal to reply to it, and were thus compelled to suffer in silence under unjust accusations. Every one can see that the military were instigated by some person connected with the Church meeting, who sought to inflict disgrace and punishment upon these faithful men of God for the exercise of an undeniable right and the discharge of a solemn duty.

The name of the lamented, and I may well say the martyred, McPheeters recalls to my mind the sore persecutions which he was forced to endure at the hands of false brethren. It is not owing to the grief I feel at the loss of this dear saint, nor to my compliance with

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"a custom more honored in the breach than the observance," of writing extravagant eulogies about the dead, that I speak of him here as one of the best and gentlest of men. He was so bright and genial, so affectionate and unselfish, so benevolent and pure, that the fiercest spirits felt the spell of his moral loveliness, and in moody hours yearned for his presence as for sunshine in a gloomy day. It was impossible to come in contact with his joyous nature without having the heart lightened of its burdens and the sky cleared of its clouds, and it was impossible to reach the inner depths of his being without seeing that the work of grace had been thoroughly wrought in his soul. Now that he is in his grave the world seems vastly meaner and poorer than it was before.

Of all the ministers in St. Louis he was the very last upon whom those who knew him best expected the storm to burst; and yet even he was not spared. In May, 1862, he was sent by his brethren to represent the Presbytery of which he was a member in the General Assembly, and was constrained to vote against a bitter and foolish paper on the state of the country adopted by that body. That this vote was not the expression and evidence of his political sympathies and opinions is certain; for not only did he repeatedly declare that he was not controlled by such considerations, but his intimate friends knew that he looked upon the whole war with abhorrence, and that he conscientiously and scrupulously abstained from taking the slightest part by word or act in the unnecessary and cruel strife. His single aim was to serve the Lord in the ministry of the Gospel, and it was because of his jealous regard for the

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unsecular nature of his office, and for the purity of the Church and for the honor of his Master, that his crushing troubles came upon him.

When he returned from the Assembly a few members of his congregation, led on by a person whom I will not permit myself to characterize as he deserves, insisted that he should publicly announce his "loyalty." To this demand he returned a reply which I would be glad to publish in full, as it deserves a permanent place in the history of the times. There is space, however, only for a few brief extracts, which will show what little cause his persecutors had for their harsh proceedings against him:

"As to my position as a minister of the Gospel," he writes, "those of you who have been longest connected with my Church will bear me testimony that from the time I came to this city, now more than eleven years ago, to the present day, I have never on any occasion or under any pretext introduced into the pulpit any matter of a political kind—that I have uniformly condemned the practice as contrary to the example of the inspired Apostles—as evil in itself, evil to the Church and evil to the State. I have over and often, and long before our present troubles began, explained to you my views of the relation of the Church and the State; that both are ordained of God, but ordained for different purposes; that they move in different orbits, have different ends to accomplish, and that they are independent the one of the other. Upon all these subjects my convictions, so far from being changed, are confirmed; and whether you agree with me or not, I can and do appeal to every one of you, and to all who know me, that my whole teaching and practice upon these subjects have been uniform and consistent during the entire time I have ministered to you; and I can only say that my conduct and views upon all these matters being the result of religious convictions, that until these convictions are changed there is nothing left for me

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but steadfastly to continue, through good report and through evil report, to do as I have done.

"It was during my absence in New Mexico that the angry clouds which had long lowered above the political horizon burst upon the land in the fearful storm of civil war. With startling rapidity the country passed from argument to arms. All this I learned with feelings of unutterable sorrow, as from time to time I received intelligence from the States. I saw then as distinctly as I see now that the country was to be involved in a fierce, bloody and desolating war. Isolated as I then was, outside of the currents that were moving the whole country, I considered carefully and prayerfully what course I would pursue upon my return. I will not pretend that the conclusion I reached was absolutely correct. I will even admit that a constitutional abhorrence which I have to strife of every kind may have unduly influenced my mind. Be that as it may, I formed the deliberate purpose to have just as little to do with the political troubles of the country as I could—to exert myself to the utmost to calm the passions and soothe the asperities of all parties, and, in my pulpit, to hold up those great truths of the gospel which, important at all times, are especially important in times like this. I believed then, and I believe now, that in this way I should render the best service it was in my power to render either to the Church or to the State. The course thus marked out I can honestly say I have endeavored to follow."

Again, in the same correspondence with George P. Strong and others, he writes: "I distinctly told you that I considered it as clearly a duty enjoined in the Scriptures to pray for those in authority, and as the President of the United States undoubtedly had authority over us, that I did and would continue to pray for him. . . . I am not ignorant of the fact that rumors have been circulated, and printed too, charging me, directly or indirectly, with disloyalty. I know also that it is a day of rumors and falsehood and detraction, and the only notice I have felt called upon to take of these things has been to contradict them by the quiet tenor of my life. I have thought, yea, and I still think, that

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the rumors of disloyalty need not alarm one who, recognizing civil government as 'ordained of God,' has been 'subject' unto it, 'not only for wrath, but for conscience sake;' who, in obedience to the divine command, has 'submitted himself to every ordinance of man for the Lord's sake;' who has 'rendered to all their dues—tribute to whom tribute is due, custom to whom custom, fear to whom fear, and honor to whom honor,' and who, in public and private, has prayed for those who are in authority. All this I claim to have done habitually and as a part of my duty to God. And, to bring this matter to an issue, let me say there are civil, military and ecclesiastical courts, and that I do now challenge any and all men—all makers, and spreaders and endorsers of these rumors, to prove before any one of these tribunals an act that I have done or a word that I have said that a good citizen has not a perfect right to do or say."

The last letter addressed to Strong is dated Nov. 3, 1862, and early in December following he published "A Card" in the city papers, in which he says:

"Some of the members of my Church claim that, in virtue of the relation in which I stand to them as Pastor, they have a right to demand, and they have demanded, my written opinion and personal position upon the civil and political questions which now agitate the nation. This claim of right I deny, and have felt bound, in duty and conscience, to resist. I did this deliberately, as a matter of principle. . . . Again, I resisted because the teachings and practice of my whole ministerial life solemnly pledged me to resist. In all places and at all times I have opposed, to the full extent of my ability, the introduction of civil, secular and political questions into the house of God. As a pastor, and because I was a pastor, I have stood aloof from these things, even in my private relations. . . . I have no commission to uphold the State, much less have I any to seek its overthrow. For me to use, in any way or to any degree, my sacred office, or the influence which it gives me, to subvert the State, to breed discontents in it, to hinder its legitimate

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action, would, in my esteem, be sacrilege—a high and heaven-daring sin. As a citizen, I hold it to be a most important and indispensable part of my duty to God to obey the law, to submit to the authorities, to pray for them, to render them the honor due their several stations, and to promote peace and quietness. These things I solemnly declare I have habitually aimed to do."

After statements like these, made by one whose spotless reputation as a Christian and a man would forbid the faintest suspicion of their sincerity, it might be thought that his "loyalty" would pass unquestioned before the severest military tribunal erected in those disjointed times, even in Missouri. But, alas! his merciless persecutors, composed of members of his own Church, were not satisfied. They knew that their pastor would do nothing contrary to these solemn declarations, publicly made. They knew that he was as guileless and inoffensive as an infant. They knew that he loved them, that he had faithfully and sweetly proclaimed to them the glorious Gospel of the grace of God, that he had wept with them in their afflictions, that he was as an angel of the Lord to them along the wearisome journey of life; but the most precious ties were broken, the most tender associations were disregarded, the most sacred obligations were despised, and they determined to make him violate his conscience or to make him the victim of their wrath.

Beaten in argument, they resorted, as cowards and tyrants have always done, to force, and found a willing instrument to strike down the meek and holy minister. There was a man, a little man, a very little man, view him as you might, who was at that time permitted, in

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the mysterious providence of God, to be Provost-Marshal. His malignity was in inverse proportion to his size, and those who used to look in a straight line about two feet above his head when they met him on the sidewalk may learn from this something of his spirit. Even he ought to have been won by the transparent simplicity and beauty of McPheeters' character.

> "But man, proud man,
> Drest in a little brief authority,
> * * * * * *
> Plays such fantastic tricks before high Heaven
> As makes the angels weep;"

And this little man, drest in a little brief authority, must needs play his little tricks, and show that, unlike his predecessors in office, there was no depth he was unable to reach, no cruelty he was unwilling to inflict.

But, perhaps, I do him injustice, and if so I sincerely regret it. I only infer that my estimate of him is not too low, from the fact that George P. Strong, if I remember correctly, stated that the insulting order for the banishment of Dr. McPheeters and his wife, which was issued from the Provost-Marshal's office, Dec. 19, 1862, was originally much severer than it was when published. It would seem that the tender hearted Strong induced the little man with shoulder straps to modify the terms of the imperial edict, and yet, after a silly preliminary statement, it deals with Dr. McPheeters as follows:

"Whereas, he has allowed the influence of his wife, his brothers and intimate associates to seduce him from an open and manly support of the Government into active sympathy with the rebellion, whereby the influence of his ministerial position has greatly encouraged the enemies of the Government in their wicked schemes for

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its overthrow, and is still exerting an injurious influence, especially upon the youth and other members of his congregation, leading them to believe that he sympathizes with the rebels and justifies their cause, and to adopt sentiments of hostility to the Government and to become active rebels; and whereas, in all his course of unfriendliness to the Government and sympathy with and favor to rebels the said McPheeters has been stimulated and encouraged, if not led on, by his wife, who openly avows herself a rebel; whereby the said McPheeters and his wife have forfeited the right to the protection and favor of the Government in their present position, and have become promoters of rebellion and civil discord;

"Therefore, it is ordered that the said McPheeters and his wife leave the State of Missouri within ten days after the service of this order, and that they take up their residence within the free States, north of Indianapolis and west of Pennsylvania, and remain there during the war; and that said McPheeters cease from this date to exercise the functions of his office within the State of Missouri, and that he deliver to the clerk of Pine Street Church all books, records and papers belonging to that church.

"It is further ordered that the church edifice, books and papers at the corner of Eleventh and Pine streets be placed under the control of three loyal members of Pine Street Church, namely: George P. Strong, James M. Corbitt and John M. Ferguson, who shall see that its pulpit be filled by a loyal minister of the Gospel, who can invoke the blessing of the Head of the Church upon the efforts of the Government to re-establish its authority."

Such was the order after the affectionate Strong had succeeded—he does not tell us that it was with tears and eloquent appeals—in having it toned down to the gentle spirit and graceful form in which it now appears. One would like to see the document as it came fresh from the glowing pen of the little man in a blue coat

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with brass buttons. What it was at first no one can imagine; but surely the friends of Dr. McPheeters should feel under lasting obligations to his devoted Ruling Elder in having it changed to its present shape. It is true that the persecuted minister went to Washington City to lay his case before the President of the United States, and that the loving Elder followed him, as we were all informed, not to second his efforts, but to defeat them if possible, although every one must see that this was done out of regard for his pastor's feelings and interests.

Mr. Lincoln promptly countermanded the outrageous order, and there is positive evidence that he required the entire proceedings in the case of Dr. McPheeters to be set aside; but his *Christian* enemies were not to be balked even by the chief executive officer of the Government, and hence, on the 28th of December, 1862, the following was issued from the office of the Provost-Marshal:

"*Rev. S. B. McPheeters and Wife:* The order made against you on the 19th of December is modified until further orders, to this extent: that you are not required to leave the State.

"By order of Major-General Curtis:

"F. A. DICK, Lieut.-Colonel."

The President relieved him of all the disabilities under which he had been placed, but the man in the Provost-Marshal's office, or the man who stood at his back instigating him to commit the crime, assumed the tremendous responsibility of forbidding him to preach the Gospel which he had been commissioned by the Head of the Church to proclaim, and which it was the

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delight of his heart to make known to his fellow men.

The object of this high-handed rebellion on the part of subordinates against the authority of the commander of the armies of the United States soon became apparent. If the man of God could not be banished from his home, his voice at least could be silenced, and he quickly passed from the military rack to be tortured by ecclesiastical power. Indeed, the latter surpassed the former in the persistent purpose, vindictive disposition and shameful disregard of law which characterized the proceedings against him from first to last. The spirit pervading these proceedings may be understood from an incident that occurred at the opening of the Presbytery which met for the avowed purpose of tearing him from his church, notwithstanding the entreaties and remonstrances of his afflicted people.

The minister who had charge of his case—as he was not allowed by the Provost-Marshal to say one word in his own defense—briefly reminded his brethren that they had all formerly respected and loved Dr. McPheeters, and begged them to cultivate that charity which "suffereth long and is kind." One of the oldest ministers present instantly arose in great excitement and shouted—or rather sung through his nose, as he seems to be afflicted with the catarrh so common to New England—that when men spoke of charity at such times he knew that they were traitors; that charity was not the question, but loyalty, and for his part he had come there determined to vote for the dissolution of the pastoral relation.

Of course nothing could be done with a body that heard with evident approval language like this, and the

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few friends of truth and righteousness who assembled with them were compelled to look sadly on while one of the purest of men was stricken to the earth. It had become so common for the military to arrest and imprison ministers just on the eve of a meeting of Presbytery, or just at its close, that very few could be induced to attend; and it was generally believed, whether justly or unjustly, that ecclesiastics were "the power behind the throne," demanding the incarceration of their brethren who did not vote to please them. Hence, out of eight ministers who voted to dissolve the pastoral relation between Dr. McPheeters and his Church but *two* had a pastoral charge, and only *eleven* ministers and ruling elders in all, out of about *sixty* that would have been present in a full meeting of Presbytery, drove him from his congregation and sundered ties that had bound them together with peculiar affection for nearly twelve years.

The following extracts from a memorial sent to the General Assembly of the Presbyterian Church, and signed by a majority of the ministers and elders belonging to the Presbytery of St. Louis, will present a brief but perfectly reliable history of the case:

Your attention, then, is called, in the first place, to the proceedings of Presbytery, at a meeting held in St. Louis, on the 15th of May, 1863, for the purposes mentioned in the following minute:

"A special meeting of the Presbytery of St. Louis "being called by the Moderator, on the request of "James A. Paige, S. Pettigrew, J. J. Porter, (Minis- "ters); Wyllis King, J. C. Havens, C. Sage, (Elders of "the Union Church); and Geo. P. Strong, (Elder of "Pine Street Church), to be held on the 15th of May, "at 8 oclock, p. m., in the Union Church, St. Louis, 'to

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"take measures to remove the grievances under which "Pine Street Church has been laboring for some months "past, and to dissolve the pastoral relation between "that Church and Rev. Samuel B. McPheeters, D. D., "and, in general, to take such action as the interests "of that Church may seem to require; and in view of "the renewed attempt to overthrow the Government in "Missouri, to take such action as will warn and dis-"suade the members of our various churches from "engaging in and encouraging the sin of rebellion "against the civil government of the State and nation.' "Presbytery met accordingly," &c.

Your memorialists ask the Assembly to notice the peculiar phraseology of the call upon which the Presbytery convened. It is not to dissolve the pastoral relation between Dr. McPheeters and the Pine Street Church—*if the way be clear, or if the interests of the Church demand the dissolution*—but it is "to dissolve the relation," thereby conclusively proving the fixed purpose and foregone conclusion of those who drew up the call to do that thing in any event. We also ask you to notice that there is not one word on record to indicate that even the minority in Pine Street Church, who opposed Dr. McPheeters, either requested or desired the Presbytery to convene for any such purpose. Suddenly and unexpectedly, and but a few days after the regular spring meeting of Presbytery, when, as the records show, the affairs of Pine Street Church were under consideration, the Moderator issues a call for a *pro-re-nata* meeting, signed by three ministers, two of whom have no pastoral charge; by three ruling elders, all belonging to one church; and by one ruling elder of Pine Street Church; and the object of that meeting, it is plainly stated, is to dissolve the pastoral relation between Dr. McPheeters and his people.

Now, your memorialists assert, without fear of contradiction, that no reasons existed for the dissolution of the pastoral relation on the 15th of May which did not exist at the time of the regular meeting of Presbytery, but a little while before. But if the General Assembly will keep in mind that there was unusual excitement in the community (as, indeed, the call upon which the

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Presbytery met intimates), and that this excitement naturally prevented a large attendance of the members, the true cause of the hasty action of Presbytery will possibly be disclosed. Dr. McPheeters was forbidden, by military authority, to appear for his defense or for one word of explanation; any expression of sympathy with him, although based on purely ecclesiastical or conscientious grounds, was regarded with suspicion and attended by danger; and hence, as the vote upon an important resolution shows, but *sixteen*, out of nearly *sixty* ministers and ruling elders, were present to do what it was declared in the call they were determined to do—to-wit: dissolve the pastoral relation.

For reasons which were stated to Presbytery at a subsequent meeting, but which were refused a place upon the records, Dr. McPheeters felt constrained to put his resignation into the hands of Presbytery, and, thereupon, it was

"*Resolved*, That Pine Street Church and congrega-
"tion be cited to appear, by their commissioners, before
"Presbytery, on Wednesday, the 3d of June, at 8
"o'clock, p. m., in the Pine Street Church, to respond
"to the resignation of their pastor, Rev. S. B. McPhee-
"ters, D. D.; and to this end they are hereby directed
"to meet on Wednesday evening, the 27th inst., to take
"action in the premises."

In accordance with the foregoing order, a meeting of Pine Street Church was held on Wednesday evening, the 27th of May, 1863, and was moderated by Rev. James H. Brookes. After considerable discussion upon various motions, W. W. Greene, ruling elder in Pine Street Church, offered the following resolution:

"*Resolved*, That this meeting do not agree to, and
"protest against, the dissolution of the existing relation
"with the Rev. Dr. Samuel B. McPheeters, as pastor of
"Pine Street Church, and that we request him to with-
"draw his resignation offered to St. Louis Presbytery."

The ayes and noes being called, the vote, as the record shows, resulted as follows: Ninety-one (91) were in favor of Mr. Greene's resolution; fifty-six (56) were opposed.

At this juncture, as the records both of Presbytery

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(see page 104) and of the Pine Street Church further show, a majority having left the house near the hour of midnight, and upon the introduction by Mr. George P. Strong of matters wholly foreign to the expressed object of the meeting, the minority thereupon proceeded to elect Mr. Strong as the commissioner to represent the Church in Presbytery, and instructed him to urge the dissolution of the pastoral relation, in the very face of the resolution just adopted by an overwhelming majority.

The Presbytery met according to adjournment in Pine Street Church, June 3, 1863, and George P. Strong was recognized as the properly appointed Commissioner of the Church. A question at once arose concerning the meaning of the phrase, "at their *next* meeting" in Chapter XVII, Form of Government, which says "Presbytery shall cite the congregation to appear, by "their Commissioners, *at their next meeting*, to show "cause, if any they have, why the Presbytery should "not accept the resignation." It was held by some that an adjourned meeting is not "the next meeting" in the sense of the Book; and hence, on the evening of June 4th, 1863, the following paper, offered by Rev. J. H. Brookes, was adopted:

"In view of the fact that considerable doubt exists "concerning the constitutional right of Presbytery at "its present session to issue the matters connected with "Pine Street Church, *Resolved*, That Presbytery, after "approving their minutes, adjourn, in order that oppor- "tunity may be afforded for regularly calling another "*pro-re-nata* meeting of this body."

Presbytery accordingly adjourned, and a call was immediately issued for a meeting to be held in the same place June 23, 1863.

On the evening of June 22, 1863, a meeting of Pine Street Church and congregation was held, called, not by Presbytery, as the Book plainly enjoins upon them to do, but by order of the Session of said Church, and Moderated by Rev. James H. Brookes At this meeting the following resolution, offered by Hon. W. T. Wood, ruling elder in Pine Street Church, was adopted,

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as the records show (see page 106), by a large majority of the members of the Church:

"WHEREAS, At a meeting on the 27th of May, 1863, "at a late hour of the night, after a vote had been "taken in full meeting of ninety-one (91) to fifty-six "(56) against the resignation of Dr. S. B. McPheeters, "pastor of the Church, and against the dissolution of "the pastoral relation, and after a majority of the mem- "bers had left and gone home, as it appears by the "proceedings of the persons who remained, it was "resolved that this meeting now appoint a Commis- "sioner to represent this Church in Presbytery, and "that he be instructed to urge Presbytery to accept "Dr. McPheeters' resignation, and to dissolve the pas- "toral relation between him and Pine Street Church; "and whereas, the resolution was offered and passed, "without even a motion to reconsider the vote that had "been taken and entered on the subject, in violation of "all rule and order, and against the known voice of "the Church and congregation; therefore,

"*Resolved*, That said resolution does not express the "voice and wishes of Pine Street Church and congrega- "tion; and further, *Resolved*, That the true voice of the "Church and congregation was expressed in the resolu- "tion adopted at that meeting on motion of Captain "Greene; and unless George P. Strong, as the Com- "missioner from this congregation, can, and will, in "good faith, present and urge upon Presbytery the "voice and wishes of the congregation, as expressed in "the resolution adopted on the motion of Capt. Greene, "on a fair vote of 91 to 56, he be requested to resign "his trust as Commissioner."

Presbytery met on the next evening, (June 23); but notwithstanding the earnest protest of this injured Church, Mr. George P. Strong was recognized as its Commissioner, and was permitted, as the minutes show, to make two speeches against his Pastor, who was *not* permitted to appear in answer to his accuser. Nay, insult was added to injury, for we find in the records of Presbytery the following minutes: "Mr. Strong having "concluded, *it was moved that the request of Pine Street "Church be granted*, and the pastoral relation dissolved."

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Now, Presbytery well knew that Pine Street Church had made no such request, unless indeed one Ruling Elder out of seven that constituted the Session, and fifty-six members out of one hundred and forty-seven, who were present, by some curious mode of reckoning, were regarded as the Church. But the minute goes on to say, "Pending this motion, Rev. J. H. Brookes "asked leave to read a paper from Rev. Dr. McPhee- "ters. The leave was granted, and the paper was "heard. Rev. Dr. McPheeters having *asked leave to* "*withdraw his resignation* already put in the hands of "Presbytery, and the whole paper be spread in the "records, it was, on motion of Elder A. G. Edwards, "*Resolved*, That Rev. Dr. McPheeters have leave to "withdraw *his paper* just presented. The motion to "dissolve the pastoral relation recurring, ... "G. P. Strong, Esq., Commissioner from Pine Street "Church, took the floor and pressed the dissolution of "the pastoral relation between that Church and Rev. "Dr. McPheeters. Mr. Strong having concluded, . . . "the previous question was now called for and carried. "The main question, viz.: The dissolution of the Pas- "toral relation, then being put, the ayes and noes were "called for. The vote resulted as follows: Ayes, Jos. "F. Fenton, H. Blackwell, J. J. Porter, S. K. Snead, "Thomas Cole, Joseph Marr, S. Pettigrew, J. A. Paige, "(Ministers); and Wyllys King, A. G. Edwards, "Edward Ilsley, (Elders). Noes, J. N. Gilbraith, J. "H. Brookes, W. H. Parks, A. D. Madeira, H. F. Al- "bright, (Ministers); William Risley, W. W. Greene, "Joseph Conway and E. Jacard, (Elders.")

But little more remains to be written, and alas! this little is in strict keeping with the harsh measures adopted at the beginning by those who should have been the first to protect the person and shield the reputation of this beloved man of God. After the eleven out of sixty had voted to banish Dr. McPheeters from his church, an appeal was taken to the Synod of Missouri, which, according to the Discipline of the Presby-

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terian Church, necessarily stayed the final effect of the action of the Presbytery until the case could be heard and issued before the higher court. Meanwhile President Lincoln, having learned that the Provost-Marshal had disobeyed his order, again interposed to reinstate the persecuted preacher in his ministerial office, and the Pine Street Church received its pastor once more with joy. Even if the vote of the eleven had been entitled under the circumstances to be considered as a decision of the Presbytery, and even if the appeal to Synod had not arrested the practical operation of that vote, the Church undoubtedly had a right to call its own minister, and six out of the seven Elders, together with an overwhelming majority of the congregation, united in asking Dr. McPheeters to preach to them.

He complied with their urgent request and resumed his ministerial labors, with the brightest promise of usefulness. "But," to quote again from the memorial to the General Assembly, "this scene of tranquillity and of joy was destined to be of brief continuance. At the regular spring meeting of Presbytery, April 6, 1864, which was attended by only eighteen out of almost sixty ministers and ruling elders, because of a military order touching ecclesiastical assemblies, the following extraordinary action was taken upon a memorial signed by *nine* members of Pine Street Church, asking 'that such action may be taken in the premises as to compel Dr. McPheeters to respect the decision of Presbytery and retire from Pine Street Church, and that such other relief may be afforded as to your body may seem meet and proper.'

"Elder George P. Strong, of Pine Street Church,

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being present in the house (but not as a member of Presbytery), was invited to address Presbytery on the subject."

The result was that pastor and people were again directed to separate. He, with other brethren, had been exceedingly anxious to attend this meeting of Presbytery, but an order from General Rosecranz, commanding the Department of the Missouri, which required ministers of the Gospel to be sworn into their ecclesiastical bodies like civil officers, stood in his way. No preacher who did not love Cæsar more than God, and the star-spangled banner, as they called it, more than the cross of Jesus Christ, could think of complying with such an order, and Dr. McPheeters and those like minded laid before Rosecranz the following communication:

"We, the undersigned, hereby certify that we have each taken the oath of allegiance to the Provisional Government of Missouri and to the Government of the United States of America. We also solemnly affirm that we will support the Constitution and laws thereof, and that we will not give aid and comfort to the enemies of either. We desire and propose to conduct ourselves in all respects as good citizens, and to 'be subject to the powers that be,' in accordance with the teachings of God's Word.

"As a matter of principle, however, and because we recognize the Headship of Jesus Christ alone in His Church, we can not allow any human authority to determine the qualifications of members who compose our ecclesiastical courts. We, therefore, respectfully request the Commanding General to allow us as loyal

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citizens to assemble without let or hindrance, in order to transact business connected only with the Redeemer's Kingdom, and without requiring us to obey Order No. 61, that seems, at least, to interfere with the liberty and purity of the Church."

To this communication no reply was returned, doubtless because it did not suit the purpose of the minority of the Presbytery, who had the ear of the General, to allow Dr. McPheeters and his friends to be present at their meeting, and therefore they did with the meek sufferer as they listed. It would seem that if they had possessed a spark of magnanimity they would have forborne to proceed against him under such circumstances. But however generous and manly their natural instincts might have been, they were now blinded and crazed by fanaticism, and hence did not hesitate to drive him a second time from his devoted Church, eagerly taking advantage of the Rosecranz order to carry their point, while no one who sympathized with their victim could say a word in his behalf. It may be, however, that instead of fanaticism it was patriotism that led them to pursue this dastardly course, and if so, surely the less patriotism the better.

Finding that those who ought to have been his brethren in the Presbytery were bent on his destruction, he determined to appeal for protection to the General Assembly which convened in Newark, New Jersey, the following month. He spoke as if confident of obtaining justice at the bar of that venerable ecclesiastical court, for his case was perfectly plain, and the merest tyro in the study of the government and discipline of the Presbyterian Church could see that all

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ecclesiastical law had been trampled under foot by his enemies in their haste to strike him down. He forgot that this high judicatory, once so respected, had become apostate, and that its members, in their eagerness to proclaim their loyalty to Cæsar, had not been slow to convict themselves of treason against Christ. Such a body could not appreciate or even understand such a man as Samuel B. McPheeters, but it could sit for hours in loving admiration at the feet of George P. Strong. The latter was courted and flattered; the former was cast out as evil; and thus, in the language of Dr. Hodge, in the Princeton *Review*, of July, 1864, was consummated "*an injustice which has few, if any, parallels in the history of our Church.*"

This testimony, from the ablest living theologian belonging to the Presbyterian denomination, and a man of undoubted "loyalty," is very remarkable. He declares that the Assembly of Newark was guilty of "an injustice which has few, if any, parallels in the history of our Church;" and what I said of patriotism I now say of the act of the Assembly: if this be Presbyterianism, the less we have of it the better.

The weary martyr, never robust, and worn out at length with his protracted trials, returned home, and with his wife and little children took a sorrowful departure from his bereaved and disconsolate people. The Savior, whom he had served so faithfully and fearlessly, sent him to Mulberry Church, in Kentucky, as to a Zarephath, where the failing prophet was kindly sheltered, and where he now sleeps in Jesus, waiting the shout of his descending Lord, who will surely say to him, touching all his course in the war, "Well done,

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good and faithful servant." The only penalty I could wish to inflict upon the ministers and elders who pursued him unto death is that they might be compelled to visit his grave and meditate by it for one hour. I think each would cry out, like Cain, "My punishment is greater than I can bear," or, as it is rendered in the margin of the Bible, "Mine iniquity is greater than that it may be forgiven."

I had intended to mention the persecutions which came upon other ministers who did not preach and pray according to a certain standard of loyalty, but the time would fail me to tell of Anderson, and Farris, and Parks, and Madeira, and Morton, and Smith, and Quarles, and Chaney, and Gray, and Hobson, and Symington, who were "in perils of robbers, and in perils by their own countrymen, and in perils among false brethren." Some of these were compelled to flee for their lives; some were banished from their homes, and nearly all were in prison for weeks or months. Indeed, there was scarcely a Presbyterian minister of the Gospel in Missouri who attended only to the work which his Master had given him to do without being brought by it into great and sore troubles. Those who used their sacred office to further political schemes, and were willing to barter the kingly crown of Jesus for the smiles of human government, rode on the high places of the earth; but those who determined to know nothing but Christ and Him crucified were sure to be suspected and persecuted. It is probable that all whose names I have given were in sympathy with the people of the South; but it is certain that some of them had no sympathy with the effort to divide the Union, and that they

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openly preached and personally practiced the duty of subjection to the powers that be, according to the plain teachings of God's Word. I do not believe that any of them ever said a word or performed an act that was inconsistent with their obligations to Government as good citizens and sincere Christians; but because they desired to stand aloof from the contest, and to discharge the trust committed to them by the Head of the Church, they were exposed to insult and violence every day for five long and terrible years. The records of their sufferings would swell this chapter into a volume.

Let a single instance illustrate the danger to which all were exposed. Before the war there lived in Lawrence county, Southwest Missouri, a man who was well known in all that region, and greatly respected for his hospitality, his benevolence, and his high Christian character. His name was Harvey T. McCune, the brother of John S. McCune, one of the most prominent citizens of St. Louis. For thirty-five years he had been a member of the Cumberland Presbyterian Church, and for a considerable part of that time an active and useful Ruling Elder. He had founded the first college established in that section of the State, built, almost unaided, a Presbyterian church, and was noted for his charities. Driven away from his home during the war, he did not deem it prudent to return until December, 1867, nearly two years after peace was supposed to be made. Then feeling that it was safe to venture back, and that it was necessary to look after his neglected interests, he was proceeding from Sedalia on horseback when he was waylaid and deliberately murdered without the slightest provocation by a wretch named McCanse. In the sum-

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mer of 1866 a Mr. Henshaw, with his family, passed through Mt. Vernon, the county seat of Lawrence, on his way from Texas to Illinois, where he intended to reside. This same McCanse being in the village, saw a fine horse owned by Mr. Henshaw, which he said he was determined to have. Accordingly, he followed the stranger, whom he had never seen before, a few miles into the country, shot him down without mercy, mounted the horse and rode away, leaving the heart-broken widow and children weeping beside the dead body of the husband and father. The ground upon which the brutal murderer was acquitted at his mock trial, incredible as it may appear, was only this: that he had been a Federal soldier, and Mr. Henshaw was from the South. Truly, a man's life was cheaper then than a dog's.

Having thus been turned loose upon society, the fellow seemed to think he had a license to commit crime with impunity, and being in Sedalia the day Mr. McCune left for his home, he hastened to a convenient spot, fifteen miles from the city, and there slew this venerable Ruling Elder, who did not even know him, evidently for the purpose of robbery. In this, however, he was defeated, as Mr. McCune succeeded in clinging to his horse, though the life-blood was fast oozing from his wounds, until he reached the shelter of a house, and there calmly died. Missouri was greatly afflicted at the time with a so-called Governor named Fletcher, and in the state of society that existed under the wretched rule of this man it seemed impossible to bring the cold-blooded murderer to justice. But John S. McCune, hearing the voice of his brother's blood crying from the ground, determined to see whether law could be

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enforced, and with characteristic energy followed the criminal until he was arrested. To accomplish this a special favorite and friend of the Governor was employed, who received for his easy task about fourteen hundred dollars.

Col. John F. Phillips, a Ruling Elder in the Church at Sedalia, was employed to prosecute, and he himself informed me that ruffians heavily armed collected in the village where the trial was held, with threatening demonstrations in favor of the prisoner. The result was that the jury, intimidated, no doubt, brought in a verdict that seemed to be a singular kind of compromise between guilty and not guilty, as it did not condemn him to suffer capital punishment, which was clearly the only suitable penalty for the offense, but sentenced him to ten years' confinement in the State prison. Then the Governor stepped in with his pardoning power to turn this double-dyed assassin loose again, while the gray-haired and martyred Elder lies in his grave.

The history of the persecutions which our brethren endured under the infamous new Constitution of Missouri must be left to other and abler pens, as I have already exceeded all reasonable limits in the chapter which I could not well make shorter. It is enough to say that not a single minister who preached faithfully the Gospel, and only the Gospel, during the war could be induced to take the oath, while all, with a single exception, who prostituted their calling at the bidding of politicians, by preaching that which is not found in the Bible, continued to wear the collar of their masters and gloried in their shame. For months the voices of

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many of our most earnest ministers were silent, and those who dared tell a dying sinner the way of salvation were promptly indicted and threatened with a long imprisonment. The Church in Missouri owes a lasting debt of gratitude, under God, to the venerable Dr. J. L. Yantis for the noble stand he took when the attempt was made to force compliance with the requirements of the new Constitution upon our ministers. Loyal to Cæsar, he was still more loyal to Christ, and leaving his home he went everywhere in the western part of the State boldly preaching the Gospel, and thereby lifting up the weak hands and strengthening the feeble knees of his brethren.

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CHAPTER X.

THE NEW CONSTITUTION.

The State Convention of 1865—Members' Names, Age, Profession and P. O. Address—A Curious Study—Emancipation Ordinance—A Civil Question, belonging to the State, with which Churches, *as such*, have Nothing to Do—The Unsecular, Non-political Churches of Missouri "Cast Down but not Destroyed; Persecuted but not Forsaken"—Vindicated—Bill of Rights—Motive Unveiled—Pious Fraud—Declaration of Rights—Rights and Wrongs of Suffrage—The Notorious "Test Oath"—Section 3d of Article II—Constitutional Penalties—Questions Easily Asked—Vote in the Convention and in the State on the Adoption of the New Constitution—Governor Fletcher's Proclamation.

The General Assembly of the State of Missouri, by an act approved February 13, 1864, called and provided for a State Convention, "to take such action as the interest and welfare of the State may require."

The rate of representation and the qualification of members of this State Convention were fixed as follows:

"SEC. 2. Each State Senatorial District, as now constituted by law, shall be entitled to elect twice as many delegates to said Convention as said District is now entitled to members in the State Senate.

"SEC. 3. No person shall be a member of said Convention who shall not have attained to the age of twenty-four years, who shall not be a free white male citizen of the United States, who shall not have been a citizen of this State two years, and of the District he

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represents one year next before his election, and who is not otherwise qualified in accordance with existing laws and ordinances of the State, prescribing the necessary qualifications of members of the General Assembly."

The election provided for by this act was held November 8, 1864. The Secretary of State, Mordecai Oliver, reported the abstract of votes "for" and "against" the Convention in the aggregate, as follows: For the Convention, 56,418; against the Convention, 26,832. He declared the proposition for the Convention carried, and made proclamation convening the Convention in St. Louis January 6, 1865.

According to this official proclamation, the members elected to the Convention assembled in the small hall of the Mercantile Library building, in the city of St. Louis, on Friday, January 6, 1865, and effected an organization by the election of the following officers: President, Arnold Krekel, of St. Charles; Vice-President, Charles D. Drake, of St. Louis; Secretary, Thos. Proctor, of Macon; Doorkeeper, Henry J. Stierlin, of St. Louis; Sergeant-at-Arms, John W. Stephens, of Phelps.

As the work of this Convention became so conspicuous and efficient in its positive opposition to religious liberty and the persecution of ministers of the Gospel, it may not be improper to place upon permanent record and in historical association with the work of the Convention the full names of all the members, together with their nativity, age, profession and postoffice address.

In making a new Constitution for the State of Mis-

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souri they were also "making history," and justice, as well as "the truth of history," requires that every man's name should be associated with the history he has made.

The following list of members is taken from the journal as furnished by the Secretary, and published by order of the Convention.

These names, with their association with the work of the Convention, may furnish an instructive as well as a curious historical study in the future of this State:

Names of the Delegates of the Missouri State Convention of 1865, with the place of Nativity, Age, Profession and Postoffice Address.

Names of Members.	*Nativity.*	*Age.*	*Profession.*	*Postoffice Add.*
Arnold Krekel	Prussia	50	Lawyer	St. Charles.
Chas. D. Drake	Ohio	54	Lawyer	St Louis.
Amos P. Foster	N. Hampshire	32	Merchant	Washington.
Thomas Proctor	Ohio	49	Editor	Macon City.
H. J. Stierlin	Prussia	43	Clerk	St. Louis.
J. W. Stephens	England	31	Lawyer	Rolla.
Adams, Wm. B.	Missouri	46	Physician	Danville.
Barr, Adam J.	Pennsylvania	36	Physician	Richmond.
Bedford, Alf. M.	Tennessee	44	Lawyer	Charleston.
Bonham, David	England	56	Farmer	Empire Prairie
Budd, Geo. K.	Pennsylvania	63		St. Louis.
Bunce, Harvey	New York	48		Boonville.
Bush, Isidor	Austria	43	Gl. A't. I M.R.R.	St. Louis.
Childress, R. L.	Tennessee	56	Farmer	Marshfield.
Clover, H. A.	New York	41	Lawyer	St. Louis.
Cowden, Rives C.	Virginia	65	Farmer	Halfway.
Davis, John H.	Ohio	48	Farmer	Hall's Ferry.
Davis, Samuel T.	Kentucky	30	Lawyer	New Madrid.
Dodson, Isham B.	Kentucky	47	Lawyer	Kirksville.
D'Oench, Wm.	Prussia	48	Merchant	St. Louis.
Ellis, John H.	Virginia	51	Physician	Chillicothe.
Esther, John	Tennessee	38	Farmer	Lebanon.
Evans, Ellis G.	Missouri	41	Mechanic	Cuba.
Filley, C. I.	New York	36	Merchant	St. Louis.
Fletcher, J. W.	Missouri	46	Farmer	DeSoto.
Folmsbee, W. H.	Ohio	36	Physician	Gallatin.
Foster, Emory S.	Missouri	27	Student at Law	Warrensburg.
Fulkerson, F. M.	Virginia	57	Farmer	Marshall.
Gamble, John W.	Kentucky	50	Farmer	Mexico.
Gilbert, Arch.	S. Carolina	51	Farmer	Mt. Vernon.
Gilbert, S. A.	Illinois	29	Lawyer	Weston.
Gilstrap, A. L.	Indiana	51	Lawyer	Macon City.
Grammer, J. M.	Tennessee	40	Merchant	Cassville.
Green, M. P.	Virginia	47	Lawyer	Hannibal.
Harris, Thos B.	Kentucky	50	Farmer	Concord.
Henderson, D.	Virginia	63	Physician	Dnt C H.
Holcomb, E A.	Ohio	34	Lawyer	Keytesville.
Holdsworth, J. H.	New York	57	Farmer	Long Branch.

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Names of Members.	*Nativity.*	*Age.*	*Profession.*	*Postoffice Add.*
Holland, W. S.	Kentucky	40	Physician	Calhoun.
Hughes, B F.	Missouri	35	Physician	Sedalia.
Hume, Jos. F.	Missouri	43	Physician	California.
Husmann, Geo.	Germany	38	Nurseryman	Hermann.
King, Wyllys	Connecticut	62	Merchant	St. Louis.
Leonard, Reeves	Missouri	27	Major Mo. Vols.	Fayette.
Linton, M. L.	Kentucky	57	Physician	St. Louis.
McKernan, J. F.	Ohio	38	Merchant	Osage City.
McPherson, A. M.	N. Carolina	63	Surveyor	Altenburg.
Mack, John A.	Virginia	58	Farmer	Springfield.
Martin, A. H.	Virginia	48	Clerk	Troy.
Meyer, Ferd.	Prussia	38	Merchant	St. Louis.
Mitchell, J. P.	Pennsylvania	50	Farmer	Primrose.
Morton, W. A.	Kentucky	53	Physician	Liberty.
Newgent, A. G.	Indiana	49	Merchant	Kansas City.
Nixdorf, A. P.	Prussia	33	Physician	Pleasant Farm.
Owens, J. W.	Missouri	35	Lawyer	Washington.
Peck, Dorastus	New York	62	Physician	Ironton.
Rankin, J. T.	Tennessee	43	Merchant	Greenfield.
Rohrer, P. J.	Germany	43	Teacher	Lebanon
St. Gem. Gus.	Missouri	40	Merchant	Ste. Genevieve.
Smith, Eli	Ohio	48	Farmer	Smithton.
Smith, Knight G.	Virginia	34	Physician	Princeton.
Strong, Geo. P.	Connecticut	51	Lawyer	St Louis.
Sutton, Jas. T.	Tennessee	45	Farmer	Coldwater.
Swearingen, J. R.	Kentucky	72	Clerk of Court	Independence.
Switzler, W F.	Kentucky	46	Editor	Columbia.
Thilenius, G C	Germany	36	Merchant	Cape Girardeau
Weatherby, L. H.	New York	36	Lawyer	Maysville.
Williams, J.	Pennsylvania	41	Physician	Kingston.
Williams, E.	Tennessee	33	Merchant	Memphis.

With the political, military, civil and judicial ordinances of the Convention, *as such*, this work is not particularly concerned, only as they reach and affect the grave questions of religious freedom—the rights of conscience in matters of religious faith and worship. But to any one at all acquainted with State policy, and the methods of reaching and regulating the municipal machinery of a civil commonwealth, the work of this Convention furnishes a curious study in its admixture of religious proscription and intolerance with the most reckless outreachings of partisan fanaticism.

It is curious to note the prominence given to "test oaths" and the service they are made to perform in the protection of the partisan ballot and the proscription of religious privileges, and this, too, in direct conflict with the extended "Declaration of Rights" which forms

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Art. I. of the new Constitution. But this direct, face to face antagonism will receive due attention hereafter.

The first work of the Convention, of course, was to pass "An ordinance abolishing slavery in Missouri," in accordance with the "Emancipation Proclamation" of the President of the United States and the manifest destiny of the civil war. With this the Church has no quarrel, and had nothing whatever to do. The question was purely a civil one, and the entire responsibility of the institution or abolition of slavery rested with the State, and not with the Church. This was, is, and will forever be, the position of all the unsecular, non-political Churches of this State and country; and the constructive association of them with the institution of slavery was, is, and ever will be, as gratuitous, malicious and false as the oft-repeated prophesy, that with slavery they would go down and become extinct. Slavery has been abolished and the rebellion put down, but the ecclesiastical bodies, which envy, hatred, bigotry and loyalty constructively associated with them for purposes of proscription and persecution, still survive, and from the very fires of persecution and the blood of martyrdom they have come up purified and refined, "as gold tried in the fire," and are now more compact, aggressive, evangelical and powerful in spirituality, doctrine and resources than at any time before or during the war.

The true Church of Jesus Christ as a "kingdom not of this world" has existed with slavery and without, in war and in peace, and has survived a thousand revolutions, and will endure forever, for it is written, "the gates of hell shall not prevail against it."

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Let the undeniable fact that these non-political, non-secular Churches which have resisted the encroachments of the secular power, stoutly declined all wanton harlotry with the political parties of the State, and stood up bravely and boldly in defense of the purity of the Gospel and the religious rights of conscience in the midst of all manner of proscription and persecution, still *exist* and *flourish*, silence the tongue of slander, blight the lips of betrayal, palsy the hand of persecution, and vindicate the purest representative principles and policy of the true kingdom of our Lord Jesus Christ now on earth. Men will not risk everything and throw themselves in the track of persecution, with their property, their liberty and their lives, for naught. No, no. "All that a man hath will he give for his life," and if his all is given *with* his life, it must be for a principle and a cause dearer than life, and equal only to his faith in God and his hopes of heaven. Posterity will see in the proscription of the Churches of Missouri, and in the Martyrdom of their ministers—instigated by political malice and religious envy, and authorized by the fundamental law of the State, and often executed by lawless mobs—the sublimest vindication of civil and religious liberty furnished on the continent of America, and the purest type of moral heroism furnished by the nineteenth century. History, and time, and truth are one.

When the Emancipation Ordinance was disposed of the Convention directed attention to trustees, curators, directors and other officers of schools, academies, colleges and other institutions of learning, and churches, charitable and benevolent institutions, and

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ministers of the Gospel. The following resolutions were offered, read and referred to the Committee on Elective Franchise, and the sentiments were incorporated into the new Constitution in much stronger form than here presented:

Mr. Martin offered the following resolutions:

Resolved. 1. That all persons now holding, or who may hereafter hold, any real or personal property in trust for the uses and purposes of schools, academies, colleges, or other institutions of learning, or for purposes of religious worship, or for charitable or benevolent objects; and all officers and teachers in any institution of learning, and *all ministers, ordained or licensed preachers* of any religious denomination, shall, within thirty days after the passage of this ordinance, and otherwise before entering on the duties of their several stations, take and subscribe an oath that they have not at any time taken up arms against the Government of the United States or the State of Missouri, nor in any manner given aid or comfort, by word, deed, writing or otherwise, to the enemies of the United States or the State of Missouri.

2. All persons now holding any of the positions named in the foregoing article, who fail to take and subscribe the oath therein set forth within thirty days after the passage of this ordinance, or who may at any time have enrolled themselves as disloyal, shall thereafter cease to hold or exercise any of the duties or functions of these several stations, and the proper courts may fill the vacancies that may be thus created in any board of trustees.

3. Any person who may be convicted of taking the said oath falsely shall be punished as for perjury, in such manner as the Legislature may prescribe by law.

On motion, the resolutions were read the second time and ordered to be referred to the Committee on Elective Franchise. The design of this movement was too transparent to admit of deception. Many, very many,

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boards of trustees, curators, directors and other officers were in possession of incorporated institutions, churches, and other real and personal property who would not, or could not, take an arbitrary test oath, and their offices of trust and profit would be so easily vacated by this process, their personal and fiduciary rights would be so easily destroyed, and moneyed corporations, institutions of learning and churches would be transferred to loyal hands without the inconvenient and slow forms of existing laws, which required *quid pro quo* with the old process of bargain and sale, and would then be put to loyal uses. Besides, ministers of the Gospel of a certain type would be put under disability, their pulpits silenced, their calling and support denied them, and they forced to leave the State or betake themselves to other employments. Nor did the perpetrators of such an outrage upon the rights of property, the fiduciary trusts of education, benevolence and religion, and the most sacred principles of civil and religious liberty, care so much for the loyalty under the specious plea of which their real designs were concealed as they did for the property, the franchises and the position of their betters.

It may be uncharitable thus to criticise the acts and doings of public men, and especially to search into their motives; but the records of history and the judgment of posterity, however unsparing, can never equal the wrongs inflicted by such "ordinances" upon a helpless people, and the pious frauds practiced in the name of loyalty, liberty and religion.

It is needless to analyze all the acts and doings of the Convention or to criticise all of its ordinances and

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outgivings. To bring out fully the intolerant, proscriptive and anti-Christian spirit and work of the Convention, while at the same time a strenuous effort was seemingly made to preserve the old standards and principles of religious liberty, it is only necessary to study the proscriptive features of the new Constitution in the light of the "Declaration of Rights" which comprises the first article of the same instrument. Upon the general subject of religious liberty the Convention incorporated into the "Declaration of Rights" as follows:

9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; and that no person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the State or with the rights of others.

10. That no person can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the Gospel or teacher of religion; but whatever contracts any person may enter into for any such object ought, in law, to be binding and capable of enforcement, as other contracts.

11. That no preference can ever be given, by law, to any church, sect, or mode of worship.

12. That no religious corporation can be established in this State, except that, by a general law, uniform throughout the State, any Church, or religious society, or congregation, may become a body corporate, for the sole purpose of acquiring, holding, using, and disposing

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of so much land as may be required for a house of public worship, a chapel, a parsonage, and a burial ground, and managing the same, and contracting in relation to such land, and the buildings thereon, through a board of trustees, selected by themselves; but the quantity of land to be held by any such body corporate in connection with a house of worship or a parsonage shall not exceed five acres in the country or one acre in a town or city.

28. That no *ex post facto* law, or law impairing the obligation of contracts, or retrospective in its operation, can be passed.

After the principles thus incorporated into the "Declaration of Rights," we are not prepared for the wholesale and merciless slaughter of each and all of them in the very next article in the Constitution, and under the general head of the "Right of Suffrage." The rights and wrongs of suffrage, as declared in this article, are so mixed and confused that all the courts in the State having jurisdiction, together with the Supreme Court of the United States, and much of the ablest legal talent of the country, have been at work on it for nearly five years, and now confess to a verdict of defeat. It would be presumption, in a work of this character, even to attempt a presentation of the processes by which this instrument proposes to reach the rights and wrongs of suffrage in a manner intelligible to the ordinary reader. A man who desired to exercise the right of suffrage in this State, hold office, act as trustee, practice law, teach, or preach the Gospel, or do any of the acts specified in this instrument, which is the supreme authority in all the privileges of citizenship, would reach his object somewhat after the following manner: He must appear in the presence of some civil officer, make known his

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desires, and take, subscribe and file in some court of record the following oath, flanked and girdled as it is with such unheard-of pains and penalties, and plunging, as it does, straight and deep into the motives, sympathies, desires and natural affections of the heart, and touching so vitally the dearest rights of the enlightened conscience:

Sec. 6. The oath to be taken as aforesaid shall be known as the Oath of Loyalty, and shall be in the following terms:

I, A. B., do solemnly swear that I am well acquainted with the terms of the third section of the second article of the Constitution of the State of Missouri, adopted in the year eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; that I will support the Constitution of the State of Missouri; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me.

Sec. 7. Within sixty days after this Constitution takes effect every person in this State holding any office of honor, trust or profit under the Constitution or laws thereof, or under any municipal corporation, or any of the other offices, positions or trusts mentioned in the third section of this article, shall take and subscribe the said oath. If any officer or person referred to in this section shall fail to comply with the requirements

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thereof, his office, position or trust shall, *ipso facto*, become vacant, and the vacancy shall be filled according to the law governing the case.

Sec. 9. No person shall assume the duties of any State, county, city, town, or other office to which he may be appointed otherwise than by a vote of the people; nor shall any person, after the expiration of sixty days after this Constitution takes effect, be permitted to practice as an attorney or counselor at law; nor, after that time, shall any person be competent as a *bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect or denomination, to teach, or preach, or solemnize marriages*, unless such person shall have first taken, subscribed and filed said oath.

The *third* section, so often referred to in the foregoing conditions of citizenship, is as follows:

Sec. 3. At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance or by-law of any municipal corporation, no person shall be deemed a qualified voter who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the Government of this State; or has ever given aid, comfort, countenance or support to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them, or by unlawfully sending within their lines money, goods, letters or information; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by act or word, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States; or has ever, except under overpowering compulsion, submitted to the authority or been in the service of the so-called "Confederate State of America;" or has left this State and gone within the lines of the armies of the so-called "Confederate States of Amer-

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ica" with the purpose of adhering to said States or armies; or has ever been a member of, or connected with, any order, society or organization inimical to the Government of the United States, or to the Government of this State; or has ever been engaged in guerrilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as "bushwhacking;" or has ever knowingly and willingly harbored, aided or countenanced any person so engaged; or has ever come into or left this State for the purpose of avoiding enrollment for or draft into the military service of the United States; or has ever, with a view to avoid enrollment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself, or authorized himself to be enrolled, by or before any officer, as disloyal, or as a Southern sympathizer, or in any other terms indicating his disaffection to the Government of the United States in its contest with rebellion, or his sympathy with those engaged in such rebellion; or, having ever voted at any election by the people in this State, or in any other of the United States, or in any of their Territories, or held office in this State, or in any other of the United States, or in any of their Territories, or under the United States, shall thereafter have sought or received, under claim of alienage, the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State, or in the army of the United States; nor shall any such person be capable of holding, in this State, any office of honor, trust or profit, under its authority; or of being an officer, councilman, director, trustee or other manager of any corporation, public or private, now existing or hereafter established by its authority; or of acting as a professor or teacher in any educational institution, or in any common or other school; or of holding any real estate or other property in trust for the use of any church, religious society or congregation. But the foregoing provisions in relation to acts done against the United States shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign

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country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized, under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by such person, shall be considered as taken in such sense.

Law has no executive force without a penalty, and the rights and wrongs of suffrage and citizenship must receive the sanctions of pains and penalties. They are not absent from such a document as this, however much we have been educated and inclined to look to the Legislature for laws defining crimes, and to the judicial tribunals for the conviction of crimes and the assessment of the requisite punishment.

In these days of progress, however, State Conventions can do all the work of Legislatures and civil courts.

The following section sufficiently defines and affixes the *constitutional* penalty for the crime of refusing to swear according to the provisions of the new Constitution:

Sec. 14. Whosoever shall, after the times limited in the seventh and ninth sections of this article, hold or exercise any of the offices, positions, trusts, professions or functions therein specified, without having taken, subscribed and filed said oath of loyalty, shall, on conviction thereof, be punished by fine not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and whoever shall take said oath falsely by swearing or by affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by imprisonment in the penitentiary not less than two years.

The bearing of these extraordinary provisions of the new Constitution upon the great questions of civil and

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religious liberty must be reserved for discussion in subsequent chapters.

Is the reader disposed to raise the inquiry, why leave untouched by disability the pursuit of the farmer, the mechanic, the merchant, the manufacturer, the trader, the editor, the peddler, the undertaker, the saloon keeper, the beer vender, the distiller, and so many other trades, professions, employments and pursuits? Are they all loyal?—always loyal? Many questions are more easily asked than answered.

It is very difficult to arrive at the exact vote in the Convention on each separate clause of this article on the right of suffrage, and yet it is not just and right to hold every individual member responsible for the wrongs and outrages upon citizenship and religious liberty inflicted by that article. The nearest to a direct vote on the clause affecting the rights of ministers of the Gospel which the journal furnishes is as follows:

The article on the Right of Suffrage was taken up; and the question being on the adoption of Mr. Folmsbee's amendment to section nine, by inserting in the fifth line, after the word "to," the words "teach or preach, or," Mr. Holcomb demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES — Messrs. Adams, Bonham, Bunce, Childress, Davis of Nodaway, Dodson, Ellis, Esther, Evans, Folmsbee, Gilbert of Lawrence, Holcomb, Holdsworth, Holland, Hume, Leonard, Rankin, Rohrer, Smith of Mercer, Smith of Worth, Strong, Sutton, Weatherby, Williams of Caldwell, and Williams of Scotland—25.

NOES — Messrs. Barr, Drake, Fulkerson, Gamble, Henderson, King, Linton, McPherson, Swearingen, and Switzler—10.

ABSENT WITH LEAVE—Messrs. Bush, Fletcher, Foster, Gilbert of Platte, Hughes, Husman, Morton, Newgent, St. Gem, and Thilenius—10.

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ABSENT WITHOUT LEAVE—Messrs. Bedford, Budd, Clover, Davis of New Madrid, D'Oench, Filley, Gilstrap, Grammer, Green, McKernan, Mack, Martin, Meyer, Nixdorf, Owens, and Mr. President—16.

SICK—Messrs. Cowden, Mitchell, and Peck—3.

So the amendment was adopted.

This amendment did not very materially affect the disabilities imposed by the original draft, and when, on motion of Mr. Drake, the whole article on the "Right of Suffrage" was read a third time and put upon its final passage, it was adopted by the following vote:

AYES—Messrs. Barr, Bonham, Bunce, Childress, Clover, Davis of Nodaway, Dodson, Drake, Esther, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Smith of Mercer, Smith of Worth, Strong, Sutton, Swearingen, Weatherby, Williams of Caldwell, and Williams of Scotland—30.

NOES—Messrs. Bedford, Bush, Holcomb, Linton, Meyer, Rohrer, and Switzler—7.

ABSENT WITH LEAVE—Messrs. Evans, Fletcher, Foster, Gilbert of Platte, Hughes, Husman, Morton, Newgent, St. Gem and Thilenius—10.

ABSENT WITHOUT LEAVE—Messrs. Adams, Budd, Davis of New Madrid, D'Oench, Ellis, Filley, Gilstrap, Grammer, Green, Martin, Nixdorf, Owens, Rankin, and Mr. President—14.

SICK—Messrs. Cowden, Mitchell, and Peck—3.

So the article was adopted and referred to the Revising Committee.

The work of the Convention practically closed with the following action:

The question then being on the final adoption of the Constitution, Mr. Drake demanded the ayes and noes thereon; and the vote being taken, stood as follows:

AYES—Messrs Adams, Barr, Bonham, Budd, Bunce,

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Childress, Davis of Nodaway, Dodson, Drake, Ellis, Esther, Evans, Filley, Folmsbee, Fulkerson, Gamble, Gilbert of Lawrence, Henderson, Holcomb, Holdsworth, Holland, Hume, King, Leonard, McKernan, McPherson, Mack, Martin, Peck, Rankin, Smith of Mercer, Strong, Sutton, Swearingen, Weatherby, Williams, of Caldwell, Williams of Scotland, and Mr. President—38.

NOES—Messrs. Bedford, Bush, D'Oench, Fletcher, Foster, Gilstrap, Green, Husmann, Linton, Meyer, Rohrer, Smith of Worth, and Switzler—13.

ABSENT WITH LEAVE—Messrs. Gilbert of Platte, Hughes, Morton, Newgent, Nixdorf and St. Gem—6.

ABSENT WITHOUT LEAVE—Messrs. Clover, Davis of New Madrid, Grammer, Owens and Thilenius—5.

SICK—Messrs. Cowden and Mitchell—2.

So the Constitution was finally adopted.

By the second section of the thirteenth article of the New Constitution it was provided that a general election be held, June 6, 1865, by the *qualified* voters of the State for the purpose of ascertaining the sense of the people in regard to the adoption or rejection of this Revised and Amended Constitution, as it was called. It was, also, provided that a voter to be qualified must take, subscribe and file the oath prescribed by the very instrument upon the adoption or rejection of which he was to vote. By this unheard of requirement the wrongs of the "right of suffrage" amounted to the tremendous fraud of disfranchising over two-thirds of the tax-paying citizens of the State by the provisions of the Constitution before it was adopted as the Constitution of the State. Notwithstanding this heavy disfranchisement it was not believed by any outside of the party in power that the New Constitution then received a majority of the votes polled. The proclamation of

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Governor Fletcher, issued July 1, 1865, announcing the adoption of the Constitution, contained the following statement of the result of the election:

And, whereas, on the first day of July the said Secretary of State did, in the presence of the Governor and the State Auditor, proceed to examine and cast up the returns of the votes taken at said election, and certified to him, including those of persons in the military service; when it appeared, upon an accurate casting up of said returns, that there were forty-three thousand six hundred and seventy (43,670) votes in favor of said Constitution, and forty-one thousand eight hundred and eight (41,808) votes against said Constitution; and there being, therefore, a majority of all the votes cast at said election in favor of said Constitution;

Now, therefore, I, Thomas C. Fletcher, Governor of the State of Missouri, in pursuance of the authority vested in me, as aforesaid, do, by this my proclamation, declare and make known that the said revised and amended Constitution was, at said election, adopted by a majority of the votes cast at said election, and that, in pursuance of the provisions therein contained, it will take effect as the Constitution of the State of Missouri, on the fourth day of the present month of July.

Given under my hand and the great seal of the State of Missouri, at the City of Jefferson, on the first day of July, in the year of our Lord one thousand eight hundred and sixty-five.

THOMAS C. FLETCHER.

By the Governor.

FRANCIS RODMAN, *Secretary of State.*

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CHAPTER XI.

THE NEW CONSTITUTION—HOW ADOPTED.

The Constitution Submitted to the Popular Vote—Strange Facts—The Constitution a Conspiracy—The Election a Farce—The Returns Manipulated—Doubts, Fears, Anxiety, Excitement—Fruitless Efforts made to see the Election Returns—Alleged Frauds—Ominous Silence—Citizens of St. Louis *vs.* Secretary Rodman—The Vote and the Voters of the State—Extracts from the *Missouri Republican*—Who were Disfranchised, and Why—People *not* Responsible for the Fraud—Who are Responsible—Protest and Complaint—Conspiracy and Reticence—Names live in History—The Real Authors of "Martyrdom in Missouri."

THE NEW CONSTITUTION.

As a matter of fact, and, therefore, a matter of history, this new Constitution, or, as it is officially called, "Revised and Amended Constitution," was *not* ratified and accepted by the majority of the people of Missouri; not even by one-fourth of the tax paying citizens and legal voters of the State.

It was not only a matter of grave and general doubt that the new Constitution received even a majority of the votes polled at the election on the 6th of June, but the developments about the time the votes were counted by the Secretary of State went very far toward confirming the doubt in the public mind.

Strange to say, the Convention which framed the Constitution and submitted it to the vote of the people made no provision whatever for placing the instrument

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itself before the people in any pointed form. The voters had to rely upon the disconnected fragments published from time to time in the newspapers for their information of what the Constitution contained. Of course, the most obnoxious features were always under discussion, and in this way only the people were informed of the contents of the instrument upon which they were to vote. This strange omission could scarcely have occurred without design.

Another strange fact was, that the Constitution itself provided and prescribed the qualification of voters. Notwithstanding this fact, in several places the judges of election admitted the votes of citizens who were qualified under existing laws, which were afterward thrown out.

This requirement of the new Constitution, put in force before it was a Constitution, and in order to make it a Constitution, was well calculated to awaken the liveliest suspicions of the people that the framers of the instrument, and the party which they served, intended to foist it upon the people as the Constitution of the State by corruption and fraud. No one at all acquainted with the science of civil government in which all power is derived from the people according to their popular will as expressed at the ballot box, can now be found to frame a vindication of the authors from the general charge of political fraud in thus putting the Constitution through the farce of a popular election. And the political fraud of which they were guilty was not without malice. It possesses the elements, the essence and the premeditated design of a far-reaching and successful

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conspiracy against the civil and religious liberties of a loyal people in the name of loyalty and religion.

If the perpetrators of such a political monstrosity could not prevent its own rejection by the people, by prescribing the qualification of voters, they could so manipulate the election returns as to adopt it at Jefferson City in case it should be rejected at the ballot box, and there were thousands of people in the State who were uncharitable enough to believe that the State officers at the Capital, and the party in power, were not too pure to do such a thing. For these and like reasons the gravest fears were felt and expressed that the Constitution would be forced upon the people, whether they desired it or not.

The period between the election, June 6th, and the count by the Secretary of State, July 1st, 1865, was one of great uncertainty, much speculation, and no little alarm concerning the result. The returns reported in the newspapers evidently defeated the Constitution by a small majority, or led the masses to believe that it had been rejected by the people. At the same time a profound silence reigned at the Capital concerning the returns, and the reticence maintained by State officials led many of the leading citizens of the State to fear some kind of official corruption.

A leading citizen of St. Louis, Mr. Alexander, applied to Mr. Rodman, Secretary of State, for permission to examine the returns; this was distinctly and peremptorily refused. For this refusal Mr. Secretary Rodman was severely characterized by the leading political journals of the State. After the Secretary had snubbed Mr. Alexander the citizens of St. Louis informally

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appointed two gentlemen, who were personal friends of Secretary Rodman and members of the same political party, to visit Jefferson City and in the name of the people of the State ask the privilege of inspecting the election returns.

Mr. R. E. Rombauer and Mr. Geo. B. Kellogg were appointed to discharge this duty, and for that purpose they waited on the Secretary of State at Jefferson City, June 26, 1865. They fared no better. Indeed, Mr. Secretary Rodman manifested no disposition to open his office to friendly inspection nor to be interviewed himself upon the election returns. These gentlemen returned as they went, and, like all others, had to await the official revelation. They, however, addressed a note to Mr. Secretary Rodman, "on behalf of a great majority of our fellow-citizens of the county of St. Louis," in which they set forth at some length their rights as citizens and their claims to the privilege of inspecting the election returns. Whether their deep and abiding interest in the welfare of the State and in the endangered civil and religious liberties of the people or the heated partisan passions of the hour led them to magnify their rights and privileges as private citizens in the presence of official safeguards, of one thing they were convinced, that Mr. Secretary Rodman admitted not even "friends sent by friends" within the *sanctum* of his official prerogatives when his official seal was about to be affixed to the political bantling of the party of which he was the premier.

The correspondence between this committee and the Secretary was the cause of a lively discussion in the public prints. Conjectures, criticisms, criminations and

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abuse were freely indulged. Messrs. Rombauer and Kellogg were called a "smelling committee," and their mission to Jefferson City severely censured by one party and vindicated by the other. Never before had the interest of the people in any public measure assumed such peculiar forms and phases. The war had just closed, peace was declared, the sword sheathed, the civil law was again supreme in the State, and yet the people saw in this "Revised and Amended Constitution" the chains and fetters and dungeons of a party tyranny that was more oppressive, proscriptive and despotic than the sword had been. That instrument, and the measures adopted to make it the Constitution of the State, against the known will of three-fourths of the people, indicated too plainly the *animus* of the party to be misunderstood. It was a daring conspiracy, for which posterity will hold Mr. Charles D. Drake, Mr. Arnold Krekel, Mr. Strong of St. Louis, Mr. Secretary Rodman, and all other leading spirits in the movement, to a righteous accountability. The eventful history of France presents scarcely a parallel to this bold attempt to strike down the civil and religious liberty of a free people. There was "death in the pot," and the best men of the State foresaw the danger and trembled for the result. Let the following extract from the *Missouri Republican*, of July 2, 1865, index the public sentiment at the time, and sample the spirit of the press on the subject. It was a double-leaded leader in the leading journal of the State:

THE INFAMY CONSUMMATED.

We have reliable information from Jefferson City that in the casting up of the vote for and against the

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new Constitution a majority of 1,862 votes has been found in favor of its adoption. This on an aggregate vote of 85,478. In November last the total vote of the State was 104,017; in 1860 it was 160,518. Conceding, for the sake of the argument, that the return of the election held on the 6th ult. is fair, it will be readily seen that the Constitution is carried by a vote considerably less than half the number of voting citizens in the State. The fact is that that instrument is repugnant to a large majority of our people. In our own city alone there were enough legal voters who did not go to the polls to have beaten the Constitution had they voted. Had all voted who were opposed to the Constitution, and who were entitled to cast their ballots, it would have been defeated by many thousands, in spite of any manipulation of the returns at Jefferson City. At any time it would have been unfortunate to make radical changes in the fundamental law of the State by so small a popular majority as that which has been declared in favor of the new Constitution, but at such a period as the present a result like that we have mentioned can not but show a wide-spread discontent.

It is no time now to review the manifold mischiefs, wrongs and injuries that make up the new Constitution. That instrument is not satisfactory to any large class of our citizens. Even its most ardent friends have conceded it to contain provisions antagonistic to the sentiments and interests of a great State, and it would have been well if the opposition to the instrument which prevailed so extensively had been, as it might and ought to have been, manifested in a way to have buried the thing far beyond the power of any set of reckless and corrupt officials to have given it the slightest semblance of legality.

Governor Fletcher will, on Tuesday next, proclaim the adoption of the Constitution. Whether there may be any action going behind that, and looking into the numberless shameful frauds and outrages perpetrated to accomplish this end, others must decide; but at all events the fact stands out that, from the morning of the election until now, there has been a system of the most damnable villainies concocted and carried out to produce

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the result. When we shall have received an abstract of the vote as certified to the Governor, we shall recur to the subject and *prove* that the Constitution, if we can call it a Constitution at all, in no sense represents the people, but that, on the other hand, the people have condemned and repudiated it.

That the people of the State of Missouri are not responsible for this new Constitution and its mischief is plain from the following figures: The vote for its adoption was said to be 43,670; the vote against its adoption was said to be 41,808; making a majority of 1,862. The whole vote of the State polled was 85,478. At the election in November, 1864, the State voted 104,017. In 1860 the State polled 160,518 votes. Now, if the qualified voters in June, 1865, numbered even as many as they did the November before, the vote against the Constitution would have been 60,347, and the majority against it would have been 16,677, and this, too, with as many so-called rebels disfranchised as the most loyal conscience and the strictest laws could deprive of the right of suffrage. But the disfranchised were tax paying citizens, and vitally interested in every public measure, and especially in the fundamental law of the State. They were opposed to the adoption of such an instrument, and if permitted would have polled over 100,000 votes against it; for the real voting population of the State was not less in 1865 than it it was in 1860, when the State voted 160,518. It is a notorious fact that very few who were not of, or acting with the party in power were registered as voters. The sole object of registration laws was to disfranchise the disloyal, and no man was adjudged loyal to the government who would vote against the Radical

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party. Democrats, Copperheads, Secessionists and traitors were all one before the registrars. In the judgment of the party in power, a difference on any matters of public policy, so as to indicate an opposition to party measures and men, was *prima facie* evidence of disloyalty and treason; and the man who would dare such a thing, no matter how much he had done to save the Union, was ruled out of the party and at once disfranchised.

In evidence of this position it is only necessary to mention the name of Maj.-Gen. Francis P. Blair, jr., who fought the war through gallantly from beginning to end, and came out covered with the laurels of victory; yet this distinguished citizen and soldier was ruled out of the party he had made and put into power in this State, and disfranchised, because he dared to oppose the adoption of this new Constitution. While, on the other hand, no matter how much men had done to aid the rebellion and dismember the Union, if they would only vote and act with the party they were taken in and gladly enfranchised. Such were some of the measures resorted to by those in power to keep themselves in power, even at the cost of every dearly bought principle and guarantee of civil and religious liberty, to say nothing of threats, intimidations, thumb screws, inquisition, blackmail and espionage, with every species of fraud and corruption known to unscrupulous, unprincipled men.

This new Constitution was the conception of a corrupt faction of reckless politicians, who were brought to the surface by the war, accidentally put into power which they were too knavish to use for the public good, and

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too feeble to retain without a resort to a system of treachery and corruption which all honorable men would scorn. Even after the instrument was brought forth, bearing the very image and superscription of the chairman of the committee on "Legislative Department" and submitted to the popular vote of the people, it was distinctly rejected by nearly one-half the Radical party. Very few except members of the party were enrolled or permitted to go to the polls, and still there were 41,808 votes against it. Instead of the new Constitution being accepted and ratified by the people of the State, it only received the endorsement of a reckless faction of the party in power, which party itself in all its strength at any fair election would not, at any time, poll within 40,000 of half the votes of the State.

From these facts, which are too recent and notorious to be denied, it is plain that the future historian and the decisions of posterity can *not* hold the people of Missouri responsible for the political fraud called the new Constitution, or the great damage to both civil and religious liberty which it has authorized and inflicted. Only a small political faction in the State, led by such men as Charles D. Drake, George P. Strong, Arnold Krekel, Francis Rodman, and their aiders and abettors, will be held accountable for the arrest, indictment, imprisonment, trial, persecution and murder of ministers of the Gospel, and the more than murderous attempt to strike down every guarantee of religious liberty, stab the religious conscience, "crucify to themselves the Son of God afresh and put him to an open shame," and exterminate the true kingdom of Christ, by dethroning the king and royal head, and forcing his

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pure bride into the abomination of a political harlotry with the State. *They* are responsible for every outrage committed, whether according to law or against law, upon God's chosen ministers and pure kingdom, from the dungeon of Mr. Cummings of Louisiana to the blood of the martyred *Headlee* that cries to heaven from the consecrated soil of Butler county.

If this new Constitution was thus forced upon the people without their consent by a small party faction, it was not without earnest protest and bitter complaint. Never before in the history of the State had there been such furious storms raised by the popular voice against any public measure. The public complaint and protest was wide-spread and general. But few of the papers or leading men of the State dared to defend or justify the fraud. Those who tried to justify the act at all made haste to promise the public that the most obnoxious features of the instrument should be removed or amended as soon as possible. It was notorious that THE most distasteful and objectionable feature of the new Constitution was its proscription of *ministers of the Gospel.* Against no provision of that instrumont did the public mind so positively revolt and the public conscience so earnestly protest. And it was with the hope and belief that the people had distinctly rejected the whole instrument at the ballot-box, notwithstanding the official announcement, that there was such an impatient outcry against the secrecy of the officials at Jefferson City. It was believed by many that thousands of votes were thrown out after they reached the office of the Secretary of State, and that many hundreds, and perhaps thousands, from the army in the field were

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admitted and counted who were not at the time, and never had been, citizens of the State. Of one fact there is scarcely a doubt, that whole regiments were voted as Missouri regiments that had been filled up by companies transferred from the regiments of other States, until the number transferred exceeded by hundreds the Missouri troops in the regiment. It was believed at the time, and is still believed, that the election returns were in this way so manipulated that the new Constitution, though rejected at the ballot-box, even by the few who voted, was adopted in Secretary Rodman's office.

To show what the public thought and felt at the time, and how hard it was to submit to the fraud, which was so generally pronounced an "infamous fraud," take another leader from the *Missouri Republican*, of July 3, 1865:

WHY THIS SECRECY?

If the Scriptural saying be true, that "men love darkness rather than light, because their deeds are evil," the strange secrecy of our state officials at Jefferson City respecting the vote on the New Constitution may be understood. From the day the election returns began to arrive those gentlemen have practiced, and still practice, a concealment entirely without precedent in the history of Missouri, and totally repugnant to the genius of our government and the character of our people. With the exception of dispatches of election returns to the *Missouri Democrat* from Jefferson City, and published as such in the columns of that journal, all information, so far as we know, concerning the election returns has been constantly denied. Gentlemen of well known character have *personally* applied to Secretary Rodman for leave to inspect the returns, basing their application on the ground of right and also of

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personal favor. They have been uniformly refused. Why this secrecy?

A few days after the election the *Democrat* stated, not by hints, but in plain words, that however much "Copperhead" voting there might have been, Mr. Rodman *was a good Radical* and had it in his power to sift the matter. All will allow that this open threat of manipulation was enough to justify apprehension on the part of the opponents of the Constitution. Indeed, after such a statement by the party organ, common delicacy should have prompted Mr. Rodman *to positively invite inspection*, and so prove the suspicion groundless. His persistent refusal justifies the suspicion.

Again, it is confidently stated that many of the returns, both from counties and from soldiers, were defective and illegal; that, for instance, fraudulent returns were made by Radical judges to which they dared not affix the legal solemnities, and that regiments of soldiers voted, large numbers of soldiers, who, as the rolls in the Adjutant-General's office will show, were not Missouri troops. In such cases it is clear that the vote ought not to be received. The people wanted and had a right to know the truth, but, in the jubilant language of the *Democrat*, they were "disastrously repulsed." Why this secrecy?

A number of gentlemen of this city, at different times, in the name of twelve thousand voters, went to Jefferson City, as freemen, to ask of our public servants the right, or as suppliants, to beg of our royal masters the *favor*, of ascertaining whether or not the people were to be made the victims of fraud. A more legitimate errand in a free country can not be imagined. Yet these agents of the people, *sent simply to protect the people's right against fraud*, were sneered at as "smelling committees," and were defiantly refused. Our lordly officials pompously asserted that they were able to count the votes, as if their ability was the question at issue. They still withheld the returns from inspection. When Mr. Alexander first applied to Mr. Rodman to see the returns, the latter was understood to refuse permission then or afterward. Mr. A. so telegraphed to Mr. Able, of this city, and the telegram was published.

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Afterward Mr. Rodman stated that his denial was not intended to apply to the future, and Mr. A. promptly made the correction by a card in this journal. But since then we are informed Mr. Rodman *has persisted* in refusing an inspection of the returns (unless certain *particular* returns) *at any time hereafter*. Again we ask, and the people ask, why this secrecy?

On the first instant, when the returns were to be counted, we are informed that all persons except the officials *were excluded* from the Secretary's office. What honest reason there can be for public officers doing in a public office a public official act which concerns the whole people with the secrecy of felons we are not informed. Will our royal masters explain? If there is nothing unfair, *what reason can there be for secrecy?*

It will not answer, as Governor Fletcher and Mr. Rodman vainly suppose, to plant themselves on their official dignity and assert their own infallibility. The people have already had enough, and more than enough, of official pretension and official arbitrariness, and are sick of it. *They want the facts.* They want light. They want the veil of secrecy torn off so that they may see, as they have a right to see, their own affairs. No reason, compatible with honesty, can exist for a refusal. *The people demand this of their servants.*

The spirit of the controversy at the time can not be reached and measured now, and one other extract from the same paper must suffice to index the public interest and excitement over the proclamation which foisted the new Constitution upon the people of the State against their will. It is, like the others, a double-leaded leader, and appeared in the *Missouri Republican* of July 7th, 1865:

THE SECRECY QUESTION.

Our Fourth street contemporary of yesterday morning attempts to justify the secrecy of Secretary Rodman and Gov. Fletcher in respect to the election returns. The points it makes are characteristic. It intimates

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that the "smelling committees," as it politely calls those gentlemen who went to Jefferson City to try to protect the people against fraud, might have "manipulated the returns," and this notwithstanding the fact that no inspection was asked for *except in presence of Mr. Rodman himself.* The *Democrat* miscalculates the gullibility of the people; it must try again.

But how does this reason justify Mr. Rodman and Gov. Fletcher in refusing the request of the "smelling committee" to be present on the 1st inst. *while the votes were counted?* Did Mr. Rodman and Governor Fletcher apprehend danger of manipulation then? Why was it that Mr. Rodman, when about to proceed to count the votes, actually ordered persons to leave the office? Will the *Democrat* give us a *reason* for this secrecy? Will Secretary Rodman or Governor Fletcher give us a reason?

But will these touchy gentlemen who work in darkness bear with our impertinence in asking another question? What was the reason for Mr. Rodman and Gov. Fletcher refusing to allow the "smelling committee" to inspect the returns *after* the vote was counted? What harm could be done then? Pardon us, gentlemen, if our questions are impolite. We should be sorry to offend you, for you "are all, all, honorable men." But your party organ has assumed to give reasons for your secrecy, and we are only asking for reasons.

The *Democrat* is welcome to whatever advantage it may gain from the schoolboy manners of calling names. But we will venture to suggest that those gentlemen whom it styles the "smelling committee" represented in that matter twelve thousand voters of St. Louis county, and it may be a little unwise to answer twelve thousand voters with a sneer.

We again call on Mr. Rodman and Gov. Fletcher and the *Democrat* for reasons to justify their secrecy. Were some of the returns not in proper shape to be cross-examined? Why the secrecy?

We will make a friendly suggestion that will help them entirely out of the difficulty. Now that the contest is decided, let these returns be properly amended, *and then boldly challenge inspection.*

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In a republican form of government the will of the majority, as expressed at the ballot-box, is the supreme law, but in the adoption of the new Constitution the voice of the majority could not be heard through the ballot-box. Minorities in power are always oppressive and proscriptive; and when the factious minority is raised to places of power by the throes of civil war, the republican features of the Government are destroyed, and the rulers become tyrants without the investiture of royalty. The *servants* of the people assume the authority and exercise the lordship of *masters*. The leaders of ruling minorities are not often statesmen in any true sense of the term, but narrow-minded, selfish, fanatical bigots, who never see beyond the party lines, and judge of every measure by its effect upon the party interests. They would sacrifice the general good of the country for the general good of the party, and strike down the liberties of the people for the success of the party. Every man and every institution and every principle of freedom in the country that stands in the way of the party must be sacrificed. The power of the party must be perpetuated, even should it cost the people their liberties. With this view and for this end the new Constitution was framed; and with this view and for this end it was put through the farce of a popular election, while the majority of the people to be governed by it were disfranchised by the provisions of the very instrument thus submitted to the popular choice.

Upon this subject the Hon. Charles Gibson, Assistant Attorney-General of the United States under Attorney-General Bates, uttered the following language in

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an able review of the provisions of the new Constitution, dated July 4, 1865:

"*As to the Election.*

"The late Convention was elected by a popular suffrage, embracing all those who were willing to take the oath prescribed by the old Convention. It, however, has attempted, by an ordinance not submitted to the people, to restrict this suffrage in the recent election, and it is *by this means* that the new Constitution is *claimed* to have been ratified by the people. As a matter of fact it will be admitted that but a little over one-fourth of the white adult males of the State have voted for it."

Mr. Gibson might have added just as truthfully that not *one half* of the white adult males of the State voted on the question at all.

From the foregoing facts it can not be claimed by any fair inferences that the new Constitution was either authorized or ratified by the people of the State; and the truth of history can never obtain from the righteous judgment of posterity the verdict of guilty against *the people* of the State of Missouri for the great political, civil and religious crimes perpetrated by that so-called new Constitution. A party faction, with a few corrupt leaders, are sole heirs to all the credit and the infamy, and their names will go down to posterity in historic association with the history they have made. It is due to the enlightened, liberal, Christian people of Missouri that they should be vindicated from all responsibility in this the most oppressive, proscriptive and dastardly outrage upon the civil and religious liberties of the people ever perpetrated in this free country.

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Indeed, the same party tyrants, their instigators and tools, are responsible for all the proscription, persecution, imprisonment and murder of ministers of the Gospel during the war and under the "test oath" of the new Constitution.

Posterity will be deprived of the full history of these strange times, and the lessons to be learned from the history, if the names of the Radical party and the file leaders thereof are not placed in responsible association with the records of Martyrdom in Missouri.

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CHAPTER XII.

THE NEW CONSTITUTION VS. RELIGIOUS LIBERTY.

Supreme Authority in the State—Civil Law and Religious Liberty—Religious Liberty Defined and Analyzed—Has the State the Right to Interfere with Questions of Religious Faith and Worship—The Constitution of the United States—Laws of Congress and Supreme Judicial Decisions on Religious Liberty—All Religious Liberty Inheres in the Rights of Conscience—How far the State Constitution Invades the Kingdom of Christ—A Logical Analysis of the "Test Oath" in its Application to Ministers of the Gospel, *as such*—It is both a *Qualification* and a *Penalty*—As a Qualification it Assails the "Crown Rights of Jesus" and Infringes the Rights of Conscience—As a Penalty it is an *ex post facto* Law, and Assails the Constitution and Legal Guarantees of all Civil Liberty—A Legal Argument—Logical Conclusions.

THE NEW CONSTITUTION.

While it is logically and historically true that the new Constitution was not accepted and ratified by a majority of the people who were to be governed by it, and they are, therefore, not to be held morally or historically responsible for the great wrongs and crimes committed by it, yet it is equally true that by official decision and proclamation it became the supreme law of the State. Whether the people willed it or not it was made, *de facto* and *de jure*, the Constitution of the State of Missouri. The Constitution is the supreme law of the State, subject only to the supremacy of the Constitution of the United States, and, as such, every civil officer in the State is sworn to protect, uphold and

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defend it. The Constitution is supposed to define the rights, duties, privileges and franchises of each and every citizen of the State, and to contain a system of fundamental laws for the government of the people. The several departments of the government, with all the powers and functions of each, are derived from the Constitution; and in every proper sense the Constitution is the supreme court of decision and final settlement for all questions of citizenship in law or equity. To its supreme authority the Governor, the Supreme Court, the General Assembly, the inferior courts, the municipal councils, corporations and associations, together with each and every citizen of the State, owes supreme allegiance and fidelity.

When this new Constitution became the fundamental law of the State, whether fairly or unfairly, every citizen of the State was bound by its provisions, and owed his first and highest fealty to its authority. When this instrument, however unjust its requirements and oppressive its conditions, was officially sanctioned and recognized as the fundamental law of the State, it defined the duties, rights and privileges of each citizen of the State, defined his relations and exacted his allegiance with as much authority as if it had been ratified by the unanimous voice of all the people of the State at the ballot box. No Christian man thought of placing himself in direct hostility to the Constitution, or rebelling against its authority, because it was not accepted by the majority of the people; but every good citizen was legally and morally bound to render true and faithful allegiance to it so long as it was the supreme law

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of the State. Upon this subject neither the Church nor the ministry made issue with the new Constitution.

Whatever may be said of the several restrictions put upon the rights of suffrage or other civil franchises by the new Constitution, and however oppressive and tyrannical its provisions may be upon the citizen, with these things this work has properly nothing to do, unless the same provisions reach and affect the distinctive and divine prerogatives of the Church of Jesus Christ, and the questions of religious liberty which inhere in the Church as a "kingdom not of this world."

This, then, prepares the way for the better understanding of the provisions and requirements of the new Constitution, as they are related to, reach and affect the principles of religious liberty involved in the sacred rights of conscience in matters of religious faith and worship.

It would, perhaps, be well if, from this point, the historian could be absorbed in the philosopher, and the events yet to be recorded could be used only as they are related to and bear upon the vital principles of religious liberty, which the supreme law of the State raised with the ministry and Church of Jesus Christ.

For two hundred years the relations of Church and State had not been precipitated into direct conflict upon the question of supreme authority over the consciences of men, and the principles of difference had been so well settled in the public mind, at least in this country and in Great Britain, that the sharp lines of distinction were measurably obliterated, and each individual Christian citizen was supposed to be his own master and judge in all matters of faith and worship. The ques

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tions which defined the rights of conscience, and the supreme authority of Christ as the only rightful and royal head of the Church, for which the Waldenses, Albigenses, Huguenots, Reformers, Remonstrants, Non-Conformists, Anabaptists, Confessors, Scotch Presbyterians, Wesleyan Methodists, and all other Martyrs for the Word of God and the testimony which they held, had been proscribed and persecuted, even to prison and to death, had almost passed from the minds of men and been left to the history of the wonderful and heroic long ago. But the scenes of the war, and the proscriptive uses made of test oaths, revived the history of martyrdom, reanimated the spirit of the martyrs and reinvested with new life the principles of religious liberty, just as the history of persecution began to repeat itself; so that by the time the new Constitution invested the State with supreme authority in the Church, and made that political Antichrist strike down all the religious liberties of the people, and, passing by the civil relations and duties of man as a citizen, lay profane hands upon the very Ark of God, the distinctions between Church and State were all reset in the public mind, the rights of conscience defined, the divine authority of the Church and ministry re-examined, and the religious conscience was, to some extent, prepared to resist the dangerous encroachments of the secular power and defend the sacred principles which were so boldly assailed.

It is true that many ministers of the Gospel, for fear of being accused of complicity with the rebellion, or for fear of losing caste and favor with men, and possibly for other sinister reasons, sacrificed every distinctive feature of religious liberty involved, by taking the oath

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at once, and, with indecent haste, transferred the "crown rights of Jesus" to this political Cæsar which had been enthroned in Missouri. Some for one reason and some for another bowed the knee to Baal, and, without waiting for the sound of all kinds of musical instruments, hastened to bow to the image which the Missouri Nebuchadnezzer had set up. But the ministers of the State in most of the Churches declined to take the oath and prepared for the storm of persecution which was soon to burst upon them.

The affirmation has frequently been made that the requirements of this new Constitution infringed the rights of conscience, restricted the privileges of worship, assaulted the whole framework of civil and religious liberty constructed by our fathers, and impinged upon the exclusive territory and the divinely appointed prerogatives of the visible kingdom of the Lord Jesus Christ.

To confirm this position two inquiries are necessary to be made: First, What is religious liberty? and, second, in what respects and how far the new Constitution is in conflict with the principles and the exercise of religious liberty.

1. *Religious liberty* is defined by Mr. Webster to be "the free right of adopting and enjoying opinions on religious subjects, and of worshiping the Supreme Being according to the dictates of conscience, without external control." Every man has the right to embrace and hold to such articles of religious faith as he may believe the Holy Scriptures to teach, and to have the free enjoyment of them in any way that does not dis-

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turb the rights of others, without external restraint or control.

The State has no authority to prescribe articles of religious faith, to define dogmas and creeds, to require ordinances and forms of worship, to regulate and define works of righteousness, to appoint officers in the Church, devise ways and means for the spread of the Gospel and the enlightenment and salvation of men through the instrumentality of the Church. It is obvious that all such matters belong exclusively to the Church, as such, and must be referred to "every man's conscience in the sight of God." The right of private interpretation and judgment upon all matters of divine revelation, whether of faith or duty, can not be infringed without a destruction of man's individual accountability to God. It is a matter of universal belief that the Church is the visible kingdom of Christ on earth, and that His "kingdom is not of this world"—that is, it does not derive its authority, its laws, its functions, or its prerogatives from worldly potentates or powers, from State conventions, Legislatures or courts, from constitutions, statutes or civil magistrates. The Church has the right to determine its own articles of faith, forms of worship and modes of ordinances; to select its own officers, determine their qualifications and duties, regulate its own affairs in its own way, and devise its own methods of propagating the Gospel and "spreading Scriptural holiness over the land." Every man has the right to worship God according to the dictates of his own conscience, and in connection with such ecclesiastical organization as may be in accordance

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with his faith, his tastes and his will, without compulsion or "external control."

Both the national and the State Constitutions recognize these inalienable religious rights, and protect every citizen in their free exercise. The Constitution of the United States declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." The "Bill of Rights" in this new Constitution of Missouri declares "that all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences, and that no human authority can control or interfere with the rights of conscience." Note this language. The rights of conscience in matters of faith and worship are "natural and indefeasible;" that is, they are derived from our natural condition and relations to Almighty God, and are "indefeasible"—*can not be made void.* These natural and indefeasible rights "no human authority can control," and with their "free exercise" no human authority "can interfere."

In accordance with this definition, these principles and these constitutional guarantees of religious liberty which underlie the whole structure of the Government, and are uniform in all the States and Territories of the National Union, Congress and State Legislatures have enacted necessary laws, and the civil courts, when necessary, have rendered judicial decisions. All the religious liberties of man as a religious being, "possessed of a Godward consciousness," over which so much blood has been shed, and in the defense of which we have the whole history of martyrdom, inhere in,

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and are derived from, the rights of conscience in religious faith and worship. This, then, is religious liberty.

2. In what respects, and how far, does the new Constitution interfere with and undertake to control the free exercise of religious liberty? What vital issue between the Church and the State does the requirements of this instrument raise? What is the *real* issue?

Religious questions only are vital, and the real questions forced upon the religious conscience by the authors of the new Constitution were fraught with the life or death of all religious liberty in this country.

The rights of conscience in matters of religious faith and worship were reached and affected by the following provisions of the new Constitution:

Sec. 9. No person shall assume the duties of any State, county, city, town or other office," etc., etc., "nor shall any person, after the expiration of sixty days after this Constitution takes effect, be permitted to practice as an attorney or counselor at law; nor, after that time, *shall any person be competent as a bishop, priest, deacon, minister, or other clergyman of any religious persuasion, sect or denomination, to teach, or preach, or solemnize marriages, unless such person shall have first taken, subscribed and filed said oath.*

Sec. 10. Whoever shall, after the times limited in the seventh and ninth sections of this article, hold or exercise any of the offices, positions, trusts, professions or functions therein specified, without having taken, subscribed and filed said oath of loyalty, shall, on conviction thereof, be punished by fine, not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and whoever shall take said oath falsely, by swearing or by affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by imprisonment in the penitentiary not less than two years.

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It is this provision of the Constitution that assailed the rights of conscience and assumed supreme authority in the Church of God. The minister of the Gospel is an officer of the Church, and not an officer of the State. The ministry is an institution of religion, and not of civil government. The authority to preach the Gospel is a divine and not a human authority, and the qualifications for the office and work of the ministry are to be determined by the Church and not the State. The Church of Christ *only* has the right to say who shall "be competent as a bishop, priest, deacon, minister, or other clergymen of any religious persuasion, sect or denomination, to teach or preach," and to prescribe the qualifications of such "bishop, priest, deacon, minister or other clergyman;" and with this right neither the Congress of the United States nor the Conventions or Legislatures of any one of the United States ever sought to interfere until the Constitutional Convention of Missouri, in the year of grace one thousand eight hundred and sixty-five, in St. Louis, enacted and ordained the new and revised Constitution for the government of the people of Missouri.

It is an article of faith in the Church that men are divinely called to the office and work of the ministry; and with those who do not believe in the "divine call," the office and functions of the ministry are divinely authorized and sanctioned. It is a high and holy calling, not derived from the State, and not to be proscribed or infringed by the authority of the State.

The following logical deductions are undeniable:

1. This requirement of the Constitution is not conditioned upon loyalty or disloyalty, otherwise a discrim-

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ination would have been made in favor of loyal ministers. But there is no such discrimination.

2. This requirement of the Constitution in its application to ministers, *as such*, is not designed and intended as a qualification for the exercise of the elective franchise. It was not in the minds of its framers at the time merely to qualify bishops, priests, deacons, ministers, or other clergymen" to *vote*, or to perform any other duty *as citizens* of the State. But it was the design and the intention of the Convention to impose this restriction, qualification or penalty upon ministers as a pre-requisite to the exercise of their functions as ministers of the Gospel "to teach and preach" in the name of Jesus.

Had it been designed to qualify them for the exercise of any of the franchises of citizenship, they would not have been so specifically designated as ministers and by the names which describe their several offices and functions according to ecclesiastical terminology. But all doubt is removed by the express language of the instrument itself. They shall not be *competent* "to teach or preach," etc.

As a historical fact, in the construction of the law, a minister who had taken the oath as a citizen to qualify him to vote, hold office, act as director, trustee, curator or officer of any corporation or institution, was afterward considered "competent as a bishop, priest, &c., to teach and preach" without taking the same oath a second time.

3. This provision of the Constitution was intended either as a qualification for the office and work of the ministry, or a punishment for the exercise of the

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office and functions of the ministry—a *qualification* or *penalty*.

1. If it was intended as a necessary qualification for the ministry, without which *no* person, whether loyal or disloyal, union or disunion, republican or democrat, "shall be competent as a bishop, priest, deacon, minister," &c., "to teach or preach," then the State assumed the right to determine, prescribe and confer the necessary qualifications for the office and functions of the ministry. No matter what be the faith of the Church on the divine call to, and the divine authority for, the ministry, the State assumed the right to say what was necessary to qualify and authorize a man to enter into and perform the functions of the holy calling.

This assumption of authority by the State was unknown to the history and genius of our government, and was in conflict with the universal belief of the people—a belief founded in the express teachings of revelation, and fostered by the spirit, the experience and the history of our free institutions.

If the State is the head of the Church, then the State may call and qualify men for the ministry; and if the Constitution of the State is, also, the supreme law of the Church, then the Constitution may determine and prescribe qualifications for the ministry. But if the Lord Jesus Christ be the rightful and royal head of the Church, and his Gospel be the supreme law of the Church, then He alone has the divine right to call and set apart men to the office and work of the ministry, and the Gospel alone can prescribe the requisite qualifications for the ministry. Who will deny that Christ is the head of the Church? And what human power has

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the impious presumption to invade His kingdom, usurp His authority, lay sacrilegious hands upon His crown rights, and, with a State Constitution flaunted in his face, proclaim the right of the State to challenge his ambassadors and put them under civil disability; nay, more, to assert the right to say to his messengers of life and salvation, "you are commissioned by your Head and Lord to 'Go, preach the Gospel to every creature,' but you must first come and comply with the conditions prescribed by the State and obtain from some blasphemous, drunken, Christ-despising, heaven-defying civil magistrate the authority to 'teach and preach' in the name of Jesus."

To the superficial thinker this may seem to be putting the case too strongly, but it is only the inevitable logic of facts.

The State can not confer the right to preach the Gospel; therefore it can not take it away. Christ is the Head of the Church—"God over all, and blessed for evermore." All power is given unto *Him* in heaven and in earth. "He must reign till He hath put all enemies under His feet." He called and commissioned "the twelve," and when about to leave the world and ascend to His Father and our Father, to His God and our God, at that last thrilling interview with his disciples, it is recorded: "And Jesus came and spake unto them, saying, All power is given unto me in heaven and in earth. Go ye, therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost; teaching them to observe all things whatsoever I have commanded; and lo, I am with you alway, even unto the end of the

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world. Amen." That Christ is the Head of the Church, from whom the whole body derives its life and authority, is so universally accepted that an argument to support a belief so generally received would be superfluous. But that every man may be furnished with the scriptural foundation for his faith, especially the article of faith that has been so boldly assailed, the reader is referred for further proof and for apostolic authority to Eph. iv. 5–16; II Cor. iii. 6; II. Cor. v. 20; Acts xx. 24; Colossians iv. 17; I. Tim. i. 12, and many other parallel passages.

It is not surprising that the Christian ministry in Missouri should resist with firmness, decision and humble courage such dangerous encroachments of the secular power upon the highest and holiest prerogatives of Christ. It would have been not only surprising, but humiliating had they not been found "resisting even unto blood, striving against sin," and especially so great a sin as that.

This, of itself, would be sufficient reason for declining to "take, subscribe and file the said oath."

2. If this provision of the Constitution is in the nature of a *penalty*, then the State assumes the right to punish a man for preaching the Gospel of Christ. It will scarcely be claimed that it is a penalty for disloyalty, treason or rebellion, for there is no discrimination made between the loyal and the disloyal. Nor is it a penalty for any other crime, for no offense is specified. It is a positive inhibition, conditioned upon the refusal of the clergyman to do a certain thing, and that certain thing is not in itself, and can not be of itself, a judicial evidence of innocence or of guilt.

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It is claimed that the refusal of the minister to take the oath is *prima facie* evidence of disloyalty, and the forfeiture of his ministerial functions is conditioned upon his *disloyalty*. This is a new thing under the sun —that a civil tribunal is established in every man's conscience, and that a man must be his own judge, jury, counsel and witness, and his own decision, without inquiring into the grounds for it, must have, in the eyes of the fundamental law of the State, all the effect of a judicial verdict. But if he declines to take the oath, and yet continues "to teach and preach," he is indicted, tried, convicted and punished, *not* for disloyalty or treason, but "for preaching the Gospel *without* having first taken, subscribed and filed the said oath." This will be seen to be the very language of the indictments. Nor can it be claimed that preaching the Gospel is a civil right, to be conferred or inhibited by the State, in the same sense that voting is a civil right. In Blair vs. Ridgely, the Supreme Court of Missouri held that the right to vote is not an inherent right; and a law which interposes an obstacle to the exercise of the elective franchise deprives the citizen of nothing which he held before, and is, consequently, not a punishment. To say nothing of the palpable fallacy even of this position, the same thing can not be affirmed of the minister. Whether the right to preach the Gospel be an inherent one or not, one thing is clear: the right never did inhere in the State, and its inhibition by the State is a bold assumption. According to the decision of the Supreme Court of the United States in the Cummings and Garland cases, the same legal provisions, restrictions and conditions can not apply to the voter and the preacher.

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Again, the argument that the suspension of ministerial functions results from the minister's failure to perform the innocent condition required by the new Constitution, and is, therefore, not a punishment for any offense, will convince the judgment of no one, and is unworthy of notice except as an exhibition of hard-pressed ingenuity in the hunt after excuses for a logical contradiction and a legal absurdity. Had the Constitution not required the oath of ministers to qualify them "to teach or preach," would the right to preach have been forfeited by the refusal to take the oath for any other purpose? Assuredly not. Then the "test oath" which the Constitution requires of ministers is designed to reach and affect the right, not to vote nor hold office, nor even to sit in Church courts, but to teach and preach the Gospel; and the refusal to take, subscribe and file said oath is adjudged to be an offense against the supreme law of the State, *punishable* by fine and imprisonment, the same as a common felony.

But if this requirement of the Constitution is in the nature of a penalty, then it is an *ex post facto* law, and is, therefore, in conflict with the Constitution of the United States, the decisions of the United States Supreme Court, the "Bill of Rights" in this same Constitution of Missouri, the genius of wise legislation, and is subversive of the whole system of equity jurisprudence. Nothing has been more sacredly and positively inhibited than the enactment of *ex post facto* laws.

The Constitution of the United States (Art. I, sec. 10) declares that "no State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts."

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As before seen, the Convention of 1787 incorporated into the Federal Constitution the very same prohibition. In Ogden vs. Saunders, 12 Wheaton, U. S. S. C. Reports, D. 266, Judge Washington, delivering the opinion of the Supreme Court, says: "The States are forbidden to pass any bill of attainder, or *ex post facto* law, by which a man shall be punished, criminally or penally, by loss of life, liberty, property or reputation, for an act which, at the time of its commission, violated no existing law of the land. Why did the authors of the Constitution turn their attention to this subject, which at the first flush would appear to be peculiarly fit to be left to the discretion of those who have the police and good government of the State under their management and control? The only answer to be given is, because laws of this character are oppressive, unjust and tyrannical, and, *as such*, are condemned by the universal sentence of civilized men."

But what is an *ex post facto* law? It is a law which makes that a punishable offense which was not such before the law was enacted, or which changes the character of the penalty for an offense after it is committed.

"An *ex post facto* law is a law which makes an act punishable as a crime or offense which was not so when committed, or which enhances the punishment or penalty of an offense after it has been committed.—(10 Bacon's Abridgment, 229.) For instance, prior to the Convention of 1865, "to teach and preach" in the State of Missouri was not a felony punishable by fine and imprisonment. It was not even an indictable offense, and grand juries were never instructed by civil courts to inquire whether ministers of the Gospel were teach-

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ing or preaching in the name of Christ without having first taken the "test oath," and, if such was the case, to deal with them according to law—that is, find and present a "true bill of indictment" against them, just as they would against horse thieves, burglars and all other felons. But after the expiration of thirty days from the day the new Constitution took effect such *was* the case—grand juries *were* so instructed; and ministers who had been preaching for twenty, thirty, forty, and even fifty years without molestation, were dragged before the civil courts, thrust into prison or required to give bond to keep out of jail (for fortunately it was a bailable offense), tried, convicted, punished, and some of them murdered, for that which was not an offense before.

The logical conclusions drawn from this argument are, that the application of the provisions of the new Constitution to ministers of the Gospel, *as such*, was both in the nature of a *qualification* and a *penalty*.

I. As a *qualification*.

1. It was in the nature of a qualification not to vote or to perform any other mere civil function, but to preach the Gospel—"to teach and preach."

2. It made the State the head of the Church, and the Constitution of the State the supreme law of the Church.

3. It infringed the rights of conscience in all matters of religious faith and worship, and vested in the State the supreme control of the conscience and the supreme authority in the Church of Jesus Christ.

II. As a *penalty*.

1. It was in the nature of a penalty for preaching

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the Gospel, and *not* for treason, rebellion or any other civil offense.

2. It was an *ex post facto* law, and a bill of pains and penalties, and was, therefore, against the Constitution of the United States, the decisions of the Supreme Court of the United States, the Constitution of this State, and the genius of American laws, and, therefore, subversive of the very foundation of the established system of equity jurisprudence.

For these reasons, amongst others, the ministers of the Gospel refused to take the oath prescribed by this new Constitution, and determined quietly, but firmly, to suffer the pains and penalties of such refusal rather than to be found subordinating the divine rights of the Church to arbitrary human authority, and thus stultifying the religious conscience, surrendering all the distinctive principles of religious liberty, falsifying the history of the martyrs, disowning the true and rightful Head of the Church, and permitting the kingdom of Christ to be debauched by the corruptions of men.

Had the Constitution touched ministers of the Gospel *only* as citizens, and prescribed any reasonable qualifications for the discharge of civil duties, a cheerful and ready obedience would have been rendered, and the State and country would have been spared the history of Martyrdom in Missouri.

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CHAPTER XIII.

REV. J. H. BROOKES, D. D., ON THE NEW CONSTITUTION.

Policy of the Author—Full Bearing of the Subject—True Position of Ministers—No Resistance to Civil Authority—No "Treason"—Nature of a Christian Man's Oath—"Confession of Faith"—The Oath Analyzed—Self-Contradictory and Absurd—An *ex post facto* Law—In Conflict with the Scriptures and the Constitution of the Church—The Difference between the Rosecranz Oath and this "Test Oath"—The Persecutions in Scotland under Charles II—State *vs.* Church—Scenes of Martyrdom and Sayings of Martyrs—Judicious and Timely Reflections.

REV. DR. BROOKES, OF ST. LOUIS, ON THE NEW CONSTITUTION.

The history of the new Constitution thus far given, with the analysis of the "test oath," and its bearings upon the great questions of religious liberty, as presented in the foregoing chapters, differs designedly from the line of argumentation usually given in the public prints and made in the civil courts, that the public may the better appreciate the full measure of religious rights assailed and wrongs perpetrated in the name of liberty, and that the responsible authors may be identified in the public mind with the history they have made. Another design will be duly appreciated—that of leaving, for the most part, the practical bearings of the "test oath" upon ministers of the Gospel to a more gifted pen. In doing this, the reader is furnished with a critical analysis of the test oath, and many cogent reasons why ministers could not take it, together with an

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interesting view of the persecutions of the Scotch Presbyterians for like causes under Charles II, by one of the most distinguished ministers of the State.

The following address to the ministers and members of the Presbyterian Church in the State of Missouri was written and published in pamphlet form by the Rev. Dr. Brookes, of St. Louis, in 1865, and scattered all through the State. It possesses the peculiar merit of being written at the time the Constitution was adopted, and prior to the expiration of the "sixty days" allotted to ministers and others to "take the said oath," and its effect upon the Missouri ministry *at the time* can not be over-estimated.

After reciting sections 3, 6, 9 and 14 of the second Article of the Constitution, and submitting a few appropriate introductory reflections, the author says:

"If, therefore, it can be shown that we can not take this oath without disobedience to God, and without disowning His supreme authority, let it not be said that we have set an example of lawlessness and of rebellion against the constituted authorities of the State. We do not propose to resist this ordinance by violence, but either to retire quietly from our several fields of pastoral labor or to endure meekly the threatened penalty. In the language of Dr. Chalmers:

"'There are materials here, too, for upholding the contest between principle and power; and enough of the blood and spirit of the olden time for sustaining that holy warfare, where, as in former days, the inflictions of the one party were met with a patience and determination invincible in the sufferings of the other.'

"No resistance under the persecution about to burst

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upon our heads will be made by us; and no resistance will be made by our friends if they at all heed our earnest beseechings, save to bear with humble submission to the righteous will of God the sufferings to which we will be exposed for maintaining a high and sacred principle. Hence, any charge of 'disloyalty' and of 'treason' brought against us by wicked men is proved beforehand to be without a shadow of foundation, and, if alleged, it will spring from personal animosity or from partisan purposes.

"Had the Convention that framed the new Constitution touched us only as citizens, or prescribed any reasonable oath to qualify us for the discharge of our civil duties, you would not now be troubled with this address. As citizens we have already taken the oath of allegiance—some of us have taken it again and again—and, consequently, so far as allegiance to Government can ever be attested by oath, it has been exhibited long previous to the assembling of the Convention.

"There are two ways in which the oath now under consideration must be viewed by conscientious and Christian men. The first is, its phraseology, to which we are required to swear an intelligent, cordial and unreserved assent; and the second is, the principle contained in it, which we are required to recognize and indorse.

"1. Before examining, then, the phraseology of the oath required of ministers by the framers of the new Constitution, we ask you to reflect a moment upon the solemn position which those are called to assume who appeal to Almighty God, the searcher of all hearts, to witness the truth of their solemn declarations. Oaths

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are administered so loosely and so frequently in these days that the moral sense of the community seems blunted as to the sacred obligations which they impose, and multitudes regard them as meaningless forms, to be respected in public and to be laughed at in private. Says Hetherington, the great historian of the Church of Scotland:

"'It has always been observed that where these solemn bonds have been made so common they cease to bind; they are iron fetters to the good, but threads of gossamer to the bad. A Government which multiplies oaths of office proves itself to have little consciousness of their awful sanction, manifests distrust of its subjects, and holds forth a snare to tempt ambitious and self-interested men to the commission of perjury. So was it with the Scottish Parliament. The numerous oaths which they imposed shut out from places of public trust nearly all men of the highest worth, opposed no obstacle to the admission of the wicked, and became directly instrumental in the infliction of the most extensive and relentless persecution.'

"If such are the results, as all will readily admit, of a careless and constant enforcement of oaths, it is evident that no Christian, and particularly no Christian minister, is justified in binding his conscience in the sight of God without the most thoughtful consideration of the language which he is required to adopt as an honest expression of his views, feelings or purposes concerning the matter before him.

"In our Confession of Faith (chapter XXII) we find the following directions, which we believe to be in accordance with the will and Word of God:

"'Whosoever taketh an oath ought duly to consider the weightiness of so solemn an act, and therein to avouch nothing but what he is fully persuaded is the

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truth. Neither may any man bind himself by an oath to any thing but what is *good and just,* and what he believeth so to be, and what he is able and resolved to perform. . . . An oath is to be taken in the plain and common sense of the words, *without equivocation or mental reservation.* It can not oblige us to sin; but in any thing not sinful, being taken, it binds to performance, although to a man's own hurt; nor is it to be violated, although made to heretics or infidels.'

"In the light of these sound and Scriptural rules, we must decline to take the oath required by the late Convention:

"1. Because of its *ambiguity.* For example: According to a distinguished jurist of St. Louis, there are set forth in the third section, above quoted, eighty seven grounds of disfranchisement, including thoughts, emotions, sympathies and words, as well as deeds. But in the oath itself we are commanded to swear that we 'have never, directly or indirectly, done any of the *acts* in said section specified.' Now, what is the plain Christian to do when called upon to take this oath? Is he to content himself with swearing that he has never, directly or indirectly, done any of the *acts,* or is he bound to include all things thought and felt and spoken in said section specified? If in his perplexity he goes to legal gentlemen, as some of us have gone, he will find no relief. After consulting with lawyers eminently qualified to give a trustworthy opinion, we have come to the conclusion that it is impossible to determine whether the framers of the Constitution really meant mere 'acts,' that is, something *done*— the expression of thoughts, desires and purposes in *deeds,* or whether they meant to embrace all the provisions of the third section touching sympathies

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and words. Whatever may be the ruling of civil courts, we believe the High Court of Heaven requires Christians to take an oath in the manifest intent of its framers; and while we presume that the word 'acts' in the oath under consideration was intended by its authors to sweep over the entire third section in all its amazing length, we have no means of knowing precisely what we are ordered to swear without inquiring of every member of the Convention who voted for the ordinance.

"Again, it is provided that no person shall be deemed a qualified voter 'who has ever given aid, comfort, countenance or support to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them, or by unlawfully sending within their lines money, goods, letters or information.' If, according to the directions of our Confession, 'an oath is to be taken in the plain and common sense of the words,' then it seems to us that the language just quoted refers to those who, without any purpose or desire to aid the *rebellion*, have furnished personal relief to friends taking part in the rebellion, and suffering in consequence of it. The provision does not disfranchise only those who have given 'aid, comfort, countenance or support' to persons *because* they were engaged in any such hostility, but those who have given comfort on any ground, as we understand it, to any person so engaged. It does not merely disfranchise those who have adhered to the *cause* of the enemies, but who have 'ever, *in any manner*, adhered to the enemies' themselves. Now, some of us have had fathers, mothers, brothers, sisters, and very dear kindred, who lived in the seceded or

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rebellious States; and while we fully and freely recognized our religious obligation to 'be subject, not only for wrath, but for conscience sake,' to the Government of the United States and of the State of Missouri under which we lived, we also felt a religious obligation pressing upon us with tremendous force to adhere to those beloved ones, and to relieve their necessities as far as possible; *not because they were rebels,* but because they were suffering, and because they were very near our hearts, and because God Almighty hath said, 'if any provide not for his own, and especially for those of his own house, he hath denied the faith, and is worse than an infidel.' We can not tell what the framers of the Constitution meant by these clauses, and, therefore, can not intelligently take the oath until authoritatively informed whether the construction we have put upon their language is correct or not.

"Again, every person is disfranchised who 'has ever, by act or word, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States.' By this last clause we are forced to conclude that the framers of the Constitution did not mean sympathy with the *cause* of those engaged in exciting or carrying on rebellion against the United States, for this idea is already embodied in the preceding language, which speaks of adherence to the *cause* of such enemies and desire for their triumph, and they certainly did not intend to express precisely the same thought over and over without making the least progress. Taking it for granted, then, that they under-

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stood the meaning of the words which they employed in a paper so important, and fraught, as they will discover, with the gravest consequences, we must presume that they used the term "sympathy" only in its personal bearings and results. And if this conclusion is correct, as we certainly believe it to be, we decline to take the prescribed oath:

"2. *Because it requires us to swear that we have not had these very feelings which the Lord Jesus Christ directly commands us to cherish.* Worcester gives as the proper definition of the word sympathy, 'fellow-feeling, mutual sensibility; the quality of being affected by another's affection, compassion, commisseration, condolence, pity, tenderness.' If such is the sense in which the Convention used the term, then we are free to say that no Christian *can*, and no Christian *will*, take such an oath; and if such is not the sense, then we are thrown back into doubt and uncertainty, and must decline to take it because of its ambiguity. They either intended to punish all 'compassion, commisseration, condolence, pity, tenderness,' for any person engaged in the rebellion, or they did not so intend. If such was their purpose, the direction of our confession, which says, 'Neither may any man bind himself by oath to anything but what is good and just,' stands in the way of our compliance with their requirement. If such was not their purpose, then the direction of our confession, which says 'an oath is to be taken in the plain and common sense of the words,' stands equally in the way, for we confess we do not see how, in this connection, we can put any other meaning upon the words, or how, on the supposition that we are mistaken, we will be

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able to divine their meaning. On the one hand, no Christian is justified in withholding his compassion and pity even from a rebel; and on the other hand, no Christian is justified in taking an oath whose intent he can not understand.

"Again, there is a clause in the third section which disfranchises every person who 'has ever, *except by overpowering compulsion*, submitted to the authority of the so-called Confederate States of America.' While it is probable that few, if any, of us in Missouri will be personally affected by this clause, let us take heed lest, by our oath, we indorse the view of Christian duty which it maintains, and which we believe to be directly contrary to the teachings of God's Word upon this subject. In a recent article, Rev. Dr. Hodge, who will be regarded as high authority by the Presbyterian portion of our persecutors, writes as follows:

"'We are bound to obey a *de facto* Government, although it be that of a usurper. The apostle, in enjoining submission to the powers that be, meant those in actual possession of the authority of the State, whether a Nero or any one else. This obligation is, of course, limited by the higher obligation to obey God rather than man. But it is not necessary that every man should investigate the title of a ruler's authority before believing in its validity. The present inhabitants of France are bound to recognize Louis Napoleon as Emperor, whatever they may think of the revolution that placed him in power. The fact, therefore, that a man or minister supported this late wicked rebellion is not to be assumed as a proof that he is unworthy of Christian fellowship, even if that support was voluntary on his part.'

"3. We object to the prescribed oath, although this is not an insurmountable difficulty in our way, because

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it makes cruel and invidious distinction between ministers of the Gospel and nearly all other classes of citizens. Men may devote themselves to the medical profession, or to any mercantile pursuit, or to any of the mechanical arts, without let or hindrance; but that peculiar calling which belongs to a kingdom not of this world is the very vocation which the framers of the Constitution have stigmatized and held up to public suspicion. Such an act is neither just nor generous, and if it was the object of the Convention to drive away certain ministers who, for any reason, were odious to them, it would have been far better, and the world will say it would have been far more manly, had they invented some fairer mode of accomplishing their end. When the frenzy of the hour shall have subsided we venture to predict that the voice of a stern and indignant rebuke will be lifted against those who, in their eagerness to strike down a body of men rendered defenseless by the very nature of their holy calling, dared, with unhallowed hand, to touch the ark of God, and with impious hand to seize the crown of Jesus Christ.

"4. We object to the oath, although neither is this an insuperable obstacle in our way, because it makes that criminal which has never before been pronounced criminal by any competent authority. It is based on the assumption that ministers of the Gospel may have had certain sympathies and uttered certain words during the continuance of the rebellion. But suppose this is true. We utterly deny that these sympathies and words constitute treason or a punishable offense according to the ruling of any court in the land, and we

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utterly deny, according to the ruling of any court in the land, that the Convention had a right to take knowledge of the sympathies of the heart. Such attempt on their part partakes largely of the nature of blasphemy, for it undertakes to wield a divine prerogative, and to pronounce a severe judgment upon an assumed state of the feelings. If these feelings, especially as expressed in words, were not like the feelings of the gentlemen who composed the Convention, then the precious ties that bind together a pastor and his people are to be sundered, or the cell of a county jail is to receive the man of God, who is not conscious that he has violated any law, human or divine.

"5. We decline to take the prescribed oath, because *it is self-contradictory and absurd.* For example, in section 9 it is provided that no person shall 'be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect or denomination, to teach, or preach, or solemnize marriages, unless such person shall have first taken, subscribed and filed said oath.'

"Not one word is here said about burying the dead, administering the sacraments of baptism and the Lord's Supper, conversing with awakened sinners, and other duties properly belonging to a ministerial vocation, unless they are all included under the term 'teach;' and if they are so included the Convention ought to have forbidden our speaking even in private or to our own children. It looks as if this curious oath had been framed with special reference to the convenience of those churches whose principal religious services do not consist in teaching or preaching. Such churches will

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continue to assemble for mutual comfort and encouragement and rapid growth from the ranks of those who will be compelled to meet with them for want of any other place to worship God; while other denominations, so organized that they can not conduct their devotions without teaching or preaching, will be scattered abroad under the cruel persecution, and leave their houses of worship deserted. Such, in the nature of the case, must be the working of the extraordinary scheme put on foot by the late Convention to control the things of God. The clergy of that Church which has already gained the ascendancy in this country, owing to the humiliating dissensions, political preaching and blood-thirsty harangues of the great body of the Protestant ministry, will not, as we are glad to learn from high authority, pay the slightest attention to the unrighteous oath; and, mark our prediction! not one of them will meet with the least interference in the discharge of his religious duties.

"But, again, in the oath prescribed we are called upon to swear that we 'will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding.'

"But when we turn to the Constitution of the United States, to which we owe primary allegiance by the very terms of the oath, we find it written, 'No *ex post facto* law shall be passed.' Not only so, but we find precisely the same statement in the Declaration of Rights drawn up by the last Convention. Now, Judge Story,

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in his Commentaries on the Constitution of the United States, says:

"'The terms *ex post facto* laws, in a comprehensive sense, embrace all retrospective laws, or laws governing or controlling past transactions, whether they are of a civil or criminal nature. . . The general interpretation has been, and is, that the phrase applies to acts of a criminal nature only, and that the prohibition reaches every law, whereby an act is declared a crime and made punishable as such, when it was not a crime when done; or whereby different or less evidence is required to convict an offender than was required when the act was committed.'

"The Supreme Court have given the following definition:

"'An *ex post facto* law is one which renders an act punishable in a manner in which it was not punishable when it was committed.'

"Now, whether the new Constitution of Missouri does or does not contravene the *letter* of the Constitution of the United States, and its own letter, we are not learned enough in law to pretend to say. But that it does contravene the *spirit* of both these instruments is plain to any man of common sense, and it is with the spirit, the intent, the aim of the Constitution, as well as its letter, that we as Christian ministers have to do. An oath is required of us as ministers, and as a qualification to preach the Gospel—a thing unheard of before in the history of our Government. This oath is based on the supposition that we had certain sympathies and uttered certain words during the progress of the late civil strife, which sympathies and words were never until now declared criminal and punishable. A refusal to take the oath because we can not acknowledge such sympathies

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and words to be criminal; or, in case we had no such sympathies and uttered no such words, a refusal to take the oath because we can not acknowledge the authority of the Convention to confer the office and rights of the ministry, is followed by the severest punishment, even the cessation of our ministerial calling, with the consequent trials and suffering that are sure to follow, or a heavy fine and incarceration like felons in a common jail. If this is not a retrospective law, governing past transactions, and, in point of fact, punishing for past offenses, which were not offenses previous to the meeting of the Convention, then we confess it is difficult to conceive of an *ex post facto* law.

"Again, while the Constitution of the United States only declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' the Constitution of the State of Missouri expressly declares in the Bill of Rights, 'that all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences, and that no human authority can control or interfere with the rights of conscience.' But when we solemnly affirm, as we do before God, that we are bound by our ordination vows and by our sense of duty to the great Head of the Church not to allow any civil power to administer to us an oath as a qualification to preach the Gospel, and not to allow any civil power to exercise authority over the 'office,' 'profession,' and 'functions' of the ministry, then it is manifest that the determination to punish us for declining to take such an oath, or to drive us from the State, is a direct and gross attempt on the part of human authority to control and

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interfere with the rights of conscience. It is impossible, therefore, to obey the order of the Convention without swearing in the very teeth of their own declarations and across the face of our own solemn affirmations. No Presbyterian minister can take this oath without directly contradicting himself before he gets through.

"6. We decline to take the prescribed oath, because a compliance with the requirement would virtually *set aside the vow which is already upon us to maintain the Constitution of our Church.* In that Constitution we find it written:

"'There is no other head of the Church but the Lord Jesus Christ'—(Chap. XXV. Sec. 6); 'the Lord Jesus, as King and Head of his Church, has therein appointed a government in the hands of Church officers, distinct from the civil magistrate'—(Chap. XXX. Sec. 1). 'Civil magistrates may not assume to themselves the administration of the Word and Sacraments, or the power of the keys of the kingdom of Heaven; or in the least interfere in matters of faith. . . . . And as Jesus Christ hath appointed a regular government and discipline in His Church, no law of any commonwealth should interfere with, let or hinder the due exercise thereof among the voluntary members of any denomination of Christians, according to their own profession and belief.'—(Chap. XXIII. Sec 3).

"Such are the statements which, as ministers, we have already declared to be in accordance with the Word of God, and which we have publicly and solemnly promised to uphold and defend. It is evident, therefore, that every preacher of the Gospel belonging to our denomination who takes the Convention oath will forswear himself. If any intend to take it, they are bound, for consisteney and for conscience sake, to secure first of all certain amendments to the Constitution of

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their Church, so as to recognize not only the Lord Jesus Christ, but the Convention of representatives of the people of the State of Missouri, assembled in St. Louis, on the sixth day of January, one thousand eight hundred and sixty-five, as the lawful head of the Church. The Church Constitution says the Lord Jesus hath appointed a government for His people in the hands of Church officers, distinct from the civil magistrate; the State Convention says this Government and these officers *shall not be distinct from the civil magistrate,* but shall derive their authority from him; inasmuch as the Government can not be exercised, and the officers can not exercise the functions of their office, without the permission of the civil authorities, and without possessing qualifications which these authorities impose. The Church Constitution says, civil magistrates may not assume to themselves the administration of the Word, or the power, or the keys of the Kingdom of Heaven; but the State Constitution says, civil magistrates *may assume* the administration of the Word, for no man is permitted 'to teach or preach' without a license from them, and if any minister (mark it!) hold or exercise his *office, profession* or *functions* without such license, he is to receive a cruel punishment. If this is not claiming the power of the keys of the Kingdom of Heaven, then it has never been claimed and never exercised in the darkest ages of the world's history. This is the claim which the Convention even pretentiously sets forth; for if we decline to take their oath, we are not forbidden to remain in the State, or to engage in any of a dozen pursuits and callings; we are only forbidden to teach or preach in this name, and prevented from holding or

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exercising our ministerial office, profession and functions. It is simply impossible for any Presbyterian minister who has the least respect for his ordination vows, or for the independence of his Church, or for the honor of his Master, to take the Convention oath.

"II. Having thus fairly examined the phraseology of the Constitution as it affects ministers of the Gospel, we come now to consider briefly the principle involved in it. This principle, as we have abundantly shown, is nothing more or nothing else than *the assumption of right on the part of the Convention to determine the proper qualifications of those who are called of God to preach the Gospel.* Had they dealt with us only as citizens, no word of complaint would have been uttered. We cheerfully recognize our obligation as citizens to obey law, to be subject to 'the powers that be,' and to submit to 'every ordinance of man for the Lord's sake,' except when it comes in conflict with the higher ordinance of God. This we claim to have done habitually and as a duty, testifying by oath our allegiance to the Government under which we lived. This we still desire to do, and most gladly will we exert our influence in the future, as we have exerted it in the past, to secure heartfelt obedience to the authorities of the land.

"But every one must see that the new Constitution does not touch us at all in our civil duties and privileges. We can refuse to take the prescribed oath, and yet remain in the State, to buy, to sell, to edit newspapers, to devote ourselves to agriculture, or to the healing art, and indeed to do nearly anything else except to practice law or to teach school. It follows, then, that it is directly and distinctly in our calling as ministers that

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the Convention assert their authority over us. Not only so, but in the fourteenth section of the second article they provide that we shall not even hold or exercise the office, profession or functions of our ministry unless we comply with their demand.

"Now, if they have a right to confer or withhold the office of the ministry, it follows, logically, necessarily, and *historically*, that they have a right to dictate *what* we shall preach in the exercise of an office derived from their authority. It is just at this point, therefore, we take issue with the Convention. We claim that we derive the office of the ministry from a Higher Authority, and that, in the provisions of the new Constitution, the sovereign rights of Jesus Christ as King and Head of his Church are boldly assailed.

"*We are willing, then, to let all that has been said against the phraseology of that singular document go for nothing, and still we hold that if the oath were in itself considered entirely unobjectionable, we could not take it.* Nay, had the Convention required us to swear, as a qualification for preaching the Gospel, that we believe Jesus Christ to be the Saviour of men, or the Bible to be the Word of God, we would have felt compelled to refuse a compliance with their requirement, simply because we can not recognize their right to impose any qualifications whatever for the preaching of the Gospel. Let them treat us as they please in the relations we sustain to them as citizens, and we shall not murmur; but let them at the same time keep their hands away from the Crown of the Lord Jesus.

"When General Rosecranz issued his famour Order, No. 62, requiring an oath of ministers as a condition

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precedent to the privilege of assembling in Ecclesiastical Conventions, many of us absented ourselves from all such meetings rather than sanction the principle embodied in the oath. But that order, onerous as we deemed it, was far less exceptionable than the order of the Convention. The former was issued under martial law—at a time of excitement and of danger to the commonwealth, as a military necessity—for a temporary purpose, and it did not infringe in the least upon the functions of the ministry so far as preaching was concerned; but the latter is issued in a time of peace, when not an armed rebel can be found in Missouri, or anywhere else in the restored Union; it is inserted among the fundamental laws of the State for the oppression of ministers who are to succeed us; and, not content with forbidding assemblages, it lays its interdict upon the humble ambassador of the Cross as he attempts to hold forth the invitations of the Gospel to dying sinners. The principle, therefore, asserted by the Convention is monstrous, and nothing approaching it in gigantic wrong has been witnessed since the days of Charles II—certainly nothing like it has been in the Constitution of any State since the organization of our free Government.

"In the days of the monarch just mentioned, when, as Hetherington says, 'a strange frenzy of extravagant loyalty seized upon the whole kingdom like some uncontrollable epidemic,' an oath was proposed, termed in its title 'an oath of Parliament,' and in the body of the act 'an oath of allegiance.' In it there occur the following expressions: 'I acknowledge my said sovereign only supreme governor of this kingdom over all per-

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sons and in all causes, and shall at my utmost power defend, assist and maintain his majesty's jurisdiction aforesaid against all deadly enemies, and never decline his majesty's power and jurisdiction.' 'There can be no doubt,' the historian goes on to say, 'that these clauses admitted of a double interpretation. So far as their meaning applied to civil matters alone they would not have been opposed by any of the Covenanters, but there was no such limitation specified, and, therefore, it was evident that the first might be construed to admit his majesty's supremacy in ecclesiastical causes as well as in civil matters; and that the second were intended to prevent the declining of the king's jurisdiction in religious affairs, as the Church of Scotland always has done.' Upon the assertion of this principle, not so boldly and openly presented as in the Constitution of Missouri, the struggle between the Scotch Church and the king's advisers began, but did not end for twenty-eight years, nor until 'about eighteen thousand had suffered by death, slavery, exile or imprisonment' for maintaining the 'great principle' as abstractly stated and most tenaciously held by the Church of Scotland, 'that the Lord Jesus Christ is the sole Head and King of the Church, and hath therein appointed a government distinct from that of the civil magistrate.' 'In the form in which it practically appears this great principle realizes such a disjunction of the civil and ecclesiastical powers from each other as to assign and secure to each a separate, co-ordinate and independent Supreme Court for the exercise of their respective functions. The direct consequence of this great and sacred principle, thus realized, is that it preserves the

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whole region of the conscience entirely free from the control of external power; and where the conscience is free men can not be enslaved. The attempt to establish an absolute despotism involved of necessity the destruction of this principle, and the oath of supremacy was the weapon by which it was directly and fiercely assailed. The cruel policy of the assailants needs but little explanation. It was an easy matter to enact an unjust and irreligious law, such as that which virtually declared that the sovereignty of the Church should be taken from Christ and given to the king, and then to shout, 'Obey the law, obey the law!' proclaiming men 'rebels' and 'traitors,' and persecuting them to the death, because they could not yield obedience to the law which required the violation of their allegiance to the divine Redeemer, but chose to obey God rather than man in matters of religion. It requires but little Christian principle, metaphysical acumen, or knowledge of the general principles of jurisprudence to perceive that no law can possibly be binding upon man which is manifestly contrary to the laws of God. So reasoned and so felt our covenanted fathers; and in defense of that sacred and eternal principle they 'endured a great fight of affliction,' through which they were triumphantly borne by the mighty power of God, unfolding and realizing, in the fearful struggle, what, though of subordinate importance, was still of inestimable value, that noblest charter of civil liberty which man has ever framed, the British Constitution.'

"It may be a source of comfort and encouragement to some of our persecuted brethren in Missouri to learn how richly the grace of God was manifested in sustain-

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ing this 'noble army of martyrs,' who were called to uphold the true principle that 'there is no other head of the Church but the Lord Jesus Christ,' in opposition to the false principle that the State has a right to require an oath of allegiance from ministers, as such, and to determine their qualifications for teaching or preaching the Gospel. History, then, abundantly testifies that those who were called to die for the truth were not only enabled to bear their sufferings with heroic endurance, but exhibited amazing peace and even triumph in the hour of dissolution."

In support of these forcibly put principles the Doctor presented an array of testimony from the history of the Scotch Presbyterians that disclosed the same issues made two hundred years ago that the Missouri ministry were called to meet in the year of grace 1865, and then continues:

"Such was the testimony and such were the sufferings of those heroic witnesses for the truth, from the days of John Knox down to our own generation, when the clarion voice of Dr. Chalmers was heard ringing through his native land, and declaring that 'if, over and above our services in things spiritual, the State must also have our *submission* in things spiritual, in these we have another Master, to whom, and to whom alone, we are responsible; and we utterly repudiate, as we should an accursed thing, the sacrilegious bribe that would tempt us from an allegiance to Him; for that in these things he hath the sole and undivided mastery, is a principle which lies at the very foundation of the Church of Scotland; and on her giving up this, as by the loosening of a corner or a key-stone, the whole

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fabric will tumble into ruins. The establishment of this as the principle of our Church is the peculiar glory of Scotland, the fruit of hard-won victory after the struggles and persecutions of more than a hundred years. A principle which has cost us so much we are not now willing to let go; and if the State will insist on our surrender of it, we are willing to try the experiment, and to brave the same cost over again.'

"When we remember that the principle expressed in the foregoing declarations was handed down as a precious legacy from generation to generation in the Scotch Church, we are not surprised to learn that 'the first struggle in the Westminster Assembly of Divines was with the Erastians, and took place at the very commencement of their labors.' In preparing for their great task they had stated that, in 'inquiring after the officers belonging to the New Testament, we find that Christ, who is Priest, Prophet, King and Head of the Church, hath fulness of power, and containeth all other offices by way of eminency in Himself. He being ascended far above all heavens, and filling all things, hath given all officers necessary for the edification of His Church.' 'From this preface necessarily followed the proposition that the government of the Church was distinct from that of the civil magistrate — neither derived from it nor subordinate to it.' And from this proposition again necessarily flowed the great fundamental principle announced in the 30th chapter of their Confession, *'That the Lord Jesus, as King and Head of His Church, has therein appointed a Government in the hands of Church Officers distinct from the civil magistrate.'*

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"And now, brethren of the ministry, in view of all these statements and testimonies, what is your duty in the premises? Can you, in good conscience, take the oath prescribed in the new Constitution? Can you take it without disloyalty to your Divine Lord, without dishonor to your Church, without recreancy to your duty? Remember that you are required to give your sanction and support to a principle which virtually denies and destroys the crown-rights of Jesus Christ in His Kingdom; and will you willingly put your hand to an instrument that would extort from you the shameless confession of apostate Israel in the days of the Saviour, 'we have no king but Cæsar?' Will you suffer the idle epithets 'rebel' and 'traitor,' or the threats of a wicked persecution, to make you forgetful of your solemn ordination vows, and of the glorious record of your fathers, and of the purity of the Church; and thus be driven to the commission of an act which will be a foul stain upon your character forever? We can not and will not believe it until the painful evidence is forced upon us that we are mistaken. Our only fear is, that a few of our ministers, anxious to prove themselves guiltless of all complicity with the late rebellion, or to retain their places, may be induced to take the oath as trustees of institutions of learning, or to qualify them to perform the marriage ceremony. If any such there be, let them know assuredly that if they take the oath with either of these objects in view, and so state on the oath itself, or in public, *and then continue to preach*, it will be justly regarded by every honorable person as a shallow artifice and an unmanly dodge. It is better to take the oath outright and be done with it than to

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play the sneak for the sake of holding on to place and property, or for the sake of escaping trouble. If there be such a one whom this address will meet, though we can not be persuaded that there is even one in the State, we commend to him the prophetic words of the Marquis of Argyle on the eve of his execution: 'Mind that I tell you; my skill fails me if you who are ministers will not either suffer much or sin much; for though you go along with these men in part, if you do not do it in all things, you are but where you were, and must suffer; and if you go not at all with them, you shall but suffer.'

"Ruling Elders and members of the Presbyterian Church in Missouri, you, too, have principles to maintain and duties to perform in this eventful crisis. The Constitution is a bold and direct infringement upon your religious privileges, and a direct interference with the rights of your conscience, contrary to its own provisions, for it drives from you the pastors of your choice, and forces you, if you attend Church at all, to listen to preachers who you believe have denied the Lord who bought them. Meet the issue, then, like Christian men. Abstain from all violence and abusive language, but let your purpose be firm and unshaken.

"It may be that the Church has become so frightfully corrupt, God sees the need of letting loose a storm of persecution to blow away and scatter the chaff. So be it. The Judge of the whole earth ever doeth right. It may be that henceforth they who would strive for the crown must really bear the cross. So be it. He that sends the cross and will bestow the crown has promised that His grace shall be sufficient for you.

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'There hath no temptation taken you but such as is common to man; but God is faithful, who will not suffer you to be tempted above that ye are able; but will with the temptation also make a way to escape, that ye may be able to bear it.'

"Let the sessions of our various Churches, and let all the members of every age who still recognize their obligation to obey God rather than man, enter into a solemn league and covenant, that if their pastors are driven away, because of their refusal to take the oath, they will not, during the period of their absence, consent that any man who has taken the oath shall occupy the vacant pulpit, and that they will not hear any such man preach, and if he should be thrust upon them by violence, that they will not attend their usual places of worship. Imitate the example of your Scotch ancestors in 1662, who rallied with one accord to the support of their pastors, when, under 'The Act of Glasgow,' ministers of the Gospel were compelled to cease from preaching, or to sanction the very principle against which we are contending. 'The Presbyterian ministers obeyed the law. They submitted to the very letter of its penalty. On the last Sabbath of October they preached and bid farewell to their deeply-attached congregations; and on that day, as Burnet states, above two hundred churches were at once shut up and abandoned equally by pastor and people.' 'I believe,' says Kirkton, 'there never was such a sad Sabbath in Scotland as when the poor, persecuted ministers took leave of their people.' In many instances the congregation could not repress their feelings, but wept aloud, till their lamentations resembled the wild wailings of a

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city taken by storm. This desolating blast fell first on the western counties, but it soon extended over the southern and midland parts of the kingdom, till it caused the ejection of nearly four hundred ministers in the course of a few months, involving a large portion of Scotland in sudden spiritual destitution.' Unprincipled and godless ministers who conformed to 'the Act' attempted to occupy the abandoned pulpits, but they were left to preach to empty pews. And so it will be in Missouri, unless the fervent piety and unflinching determination of two hundred years ago have wholly died out in our State.

"We do not hesitate to say to you, it would be far better to meet for prayer in your own houses, or in the fields, or in the caves of the earth, than to sit under the ministry of a man who has qualified himself 'to teach or preach' by taking the Constitution oath.

"Brethren, much as we desire it, we can not avoid this contest. It is forced upon us, and he that is not with Christ is against Him. The question is narrowed down to this—shall we acknowledge that Jesus Christ alone is King and Head of His Church, or shall we confess that we derive our ministerial office and our right to preach from human authority? Upon this question every Christian man, woman and child in Missouri will be compelled to take sides. May God defend the right. 'Fear not them which kill the body, but are not able to kill the soul; but rather fear Him which is able to destroy both soul and body in hell.' 'Beloved, think it not strange concerning the fiery trial which is to try you, as though some strange thing happened unto you; but rejoice, inasmuch as ye are par-

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takers of Christ's sufferings; that when His glory shall be revealed, ye may be glad also with exceeding joy.' And 'now, unto Him that is able to keep you from falling, and to present you faultless before the presence of His glory with exceeding joy, to the only wise God our Savior, be glory and majesty, dominion and power, both now and forever. Amen.'"

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CHAPTER XIV.

M. E. CHURCH, SOUTH—PALMYRA MEETING IN 1865.

The M. E. Church, South. in Missouri, from 1863 to 1865—"Persecuted, but not Forsaken; Cast Down, but not Destroyed"—A Gloomy Picture—Rent and Riven, Scarred and Scattered by the Blasts of War—Who are Responsible?—"Our Friends, the Enemy"—Church, South, pronounced "Dead," and Church, North, holding the Inquest and Administering on the Estate—Northern Conference ask Southern Methodists to come into the "Old Church" (?)—"Adding Insult to Injury"—Ecclesiastical John Brownism—*The Palmyra Meeting*—"The Heroic, Immortal Twenty-one"—Novel Procedure—Affecting Narratives of Personal Adventure and Experience—State of the Church—Important Church Paper—Profound Impression and General Effect—"Like Life from the Dead"—Actors and Action.

M. E. CHURCH, SOUTH.

During the latter part of 1863, and from that time until the war closed, in the spring of 1865, it was predicted by enemies and believed by many friends that the M. E. Church, South, as an ecclesiastical body, would not survive the shock of war. "Our friends, the enemy," as the M. E. Church, North, has been facetiously styled, had taken pains to publish from pulpit and press all over the State that the Church, South, was dead and buried, and beyond the hope of resurrection. They, at least, acted on the belief that the Church was dead, and that they were authorized to administer on the estate. They not only seized the churches, colleges and seminaries of the M. E. Church, South, but mal-

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treated, mobbed and caused to be murdered many of her ministers, as though they intended to *make* their preaching true, if it was not before. In many parts of the State, as heretofore stated, the services of the Southern Church were interdicted, her ministers driven out, and her membership entirely broken up and scattered, some taking refuge in the North Methodist Church for safety, some leaving the Church altogether, while many preferred to break up, sell out and move away, at the sacrifice of nearly everything, rather than give up the Church of their choice. It was a sad day for the Church, and the gloomiest fears took possession of the stoutest hearts. The secular press and the military authorities supported the general impression, and took pleasure in enhancing the general gloom. Prominent ministers and members of the M. E. Church, South, in Missouri, Kentucky, Tennessee, and the Atlantic and Gulf States, as far as heard from, shared more or less in the general feeling of insecurity and fear of ecclesiastical extinction. The usual channels of intercommunication had long been suspended, and the Church had no organ—not a Southern Methodist paper in all her borders. The missions, circuits, stations, districts and conferences had, for the most part, suspended their ecclesiastical functions, and preachers were doing the best they could—preaching regularly where they could do so unmolested, and occasionally, as they could find opportunity. The most of them had turned their attention to some kind of secular calling to make a support. In very few places could the Church furnish a support to regular pastors. Church registers, conference journals, class books and all other official records

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had been destroyed in many places, or concealed from the covetous clutches of the self-constituted administrators of the estate. In many parts of the State it was perilous for a man to avow himself a Southern Methodist, and in no part of the State—unless it was St. Louis—could such an avowal be made without subjecting the person making it to suspicions of disloyalty and some kind of civil disability. To add to this general fear, many of the Churches were in the hands of the enemy, under the protection of military authority, and the Rev. Bishop Ames was in the South, with letters of authority from the chief priests of war, seizing and possessing himself of every church within his reach; and his agents were in Tennessee, Virginia, North and South Carolina, Georgia and Mississippi, and wherever the Federal army occupied the conquered South, hunting up and seizing abandoned churches, and many that were not abandoned, and in many places ejecting their owners and occupants at the point of the bayonet. A goodly number of the leading ministers had left the State, and many others had practically abandoned their holy calling and were struggling with the absolute poverty to which they were reduced by being frequently robbed. One of the Annual Conferences had not met for three and the other for two years, and the whole Church in the State of Missouri, outside of a few prominent and safe points, was disorganized—in many places entirely destroyed. When the Conferences convened in 1864, as heretofore noticed, the attendance was so meagre and the disabilities and discouragements so great that but little hope was inspired, and no real confidence was given. Peeled, and torn, and riven, and

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scattered by the relentless blasts of war; desolated by fire and sword, and outraged by pillage, theft and fraud, the fragments of Southern Methodism in Missouri appeared much like the bones in Ezekiel's vision, with the prophet's faith left out. Old men wept when they thought of the desolation of their beloved Zion, and believed that their gray hairs would go down in sorrow to the grave. Many had entered the communion of other Churches, and many abandoned their religious obligations altogether, and gave up their hopes of heaven. It was a dark period and a severe test of faith.

The Northern Methodist Church was responsible for the general desolation of the strongest, the most powerful and popular Protestant Church in Missouri. And then, to add insult to injury, when the Missouri and Arkansas Conference of the M. E. Church met in St. Joseph, in the spring of 1865, a committee was appointed to draw up and issue an address "to the ministers and members of the M. E. Church, South," proposing to take them into the "Old Church." This address was issued upon the assumption that the Church, South, was dead, and with the most affected condescension and the most patronizing airs, proposed to receive into its gracious fold all who did truly and earnestly repent of their sins, and were in love and fellowship with the loyal religion and religious loyalty of the Mother Church. "Only this, and nothing more."

The ministers and members of the M. E. Church, South, had borne patiently the spoiling of their goods, the seizure of their churches, the arrest, imprisonment and exile of many of their best preachers, and the mobbing and murder of many others. They had contem-

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plated with some degree of resignation the general wreck and ruin of their Zion, once so fair and beautiful for situation, the joy of the whole land; but to receive such formal proposals from the authors of the ruin, and that, too, requiring conditions that would falsify every principle, abandon every position, and forswear every truth of history for which the Church had contended earnestly and suffered sorely, was, indeed, adding insult to injury. It was more than could be borne without provoking a degree of righteous indignation and religious contempt too general to be concealed and too deep to be soon forgotten. If the said address influenced a Southern Methodist in the State to avail himself of its disingenuous clemency, the fact has never transpired. "If any, speak, for *him* have I offended."

The Conference which authorized and issued this address authorized at the same time the seizure of churches and other property belonging to the M. E. Church, South, as heretofore noticed, thus giving its official sanction to the whole business of Church seizing, or stealing, in the State; and in so doing the truth of history and the verdict of posterity will be forced to hold *that Church*, and not local boards of trustees and local Church societies and communities, responsible for the monstrous outrage.

The good citizens of St. Joseph have learned that those political preachers did other things besides sing "John Brown's soul is marching on," and applauding and huzzaing until the people in the whole neighborhood of their sittings were disturbed and annoyed out of measure; and yet those "other things" were not out of keeping with the John Brown principles

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which they sought to immortalize in song. The perpetrators of this ecclesiastical John Brownism will outlive their notorious prototype in the history they have made.

THE PALMYRA MEETING.

When the war closed and peace was restored a few of the Methodist veterans and leaders began a careful survey of the field. God had marvelously preserved a remnant of the Church, and the few things that remained intact amid the general disorganization and desolation were not sufficient to encourage much confidence in the resuscitation and reorganization of Southern Methodism, either in this State or in the Southern States.

Mails were irregular and uncertain, and it was with difficulty that ministers could communicate with each other at all. In some portions of the State the lines of travel were still interrupted, and but few channels of communication were reliable. What to do under the circumstances was a grave question, the consideration of which, doubtless, occupied the minds of all. Letters were exchanged, as far as practicable, between leading men, and a few timid suggestions were made from time to time by the correspondents of a small paper published in St. Louis by Rev. P. M. Pinckard, called the *Sentinel*. There was no Bishop in the State, and no one was found willing to lead off in any line of policy, until that sterling old pioneer and patriarch of Missouri Methodism, Rev. Andrew Monroe, assumed the responsibility of calling a meeting of the ministers and members of the Church at Palmyra, Marion county, for general

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consultation. The call was made, by private correspondence, as extensively as possible, and the members of the Missouri Annual Conference, with all the local preachers and official members of the Church in the bounds of the Conference, were invited to attend.

The meeting was called for June 22, 1865, and the eyes of the whole Church were turned at once to that point. Many were too poor and some were too timid to attend and take part in the deliberations. Twenty-two traveling and two local preachers, with about half that number of laymen, assembled at the appointed time and place, and elected the author of the call, Rev. A. Monroe, Chairman, and Rev. John D. Vincil, of Hannibal, Secretary. The plan of procedure was novel and the deliberations somewhat awkward. Not a man of them had ever been in just such a meeting for just such a purpose; and to deliberate upon some of the most delicate and dangerous subjects raised by the war, and that, too, in the presence of detectives and armed enemies, was no easy task, and required no little moral courage. About noon of the second day Bishop Kavanaugh, of Kentucky, arrived, and his presence gave encouragement and importance to the occasion. Each man seemed conscious of the fact that the life of the Church would be decreed or its epitaph written by that meeting; and its deliberations, from that cause, would assume an historical value that would take rank with the most important events of the Church in the West. Indeed, the future historian will be compelled to give to this Palmyra meeting a connectional importance that will be inferior to no event in the history of the Church. A few brave men and courageous heroes

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stood in the presence of events, and were called, in the providence of God, to pronounce words that can only be fully appreciated by future generations.

To arrive at the state of the Church, each preacher, as his name was called, stood up in his place and calmly, deliberately, and often with tears, gave an account of the condition of the Church in the bounds of his work and within the range of his knowledge. Could the history of suffering, privation and persecution as then and there narrated by these men of God be written, in connection with the wide-spread desolation of the Church, it would make the most affecting and thrilling chapter in the history of these strange times. The writer will never forget the scene or the emotions awakened by it.

A committee on the "State of the Church" was commissioned to take under consideration the statements made by these honest men, deliberate upon them, and submit for the action of the meeting their godly judgment. It was a delicate task—a critical moment. For the time being the fate of Southern Methodism was lodged in the hands of that committee, so far as could then be seen, and subsequent disclosures but confirmed the fact. When the committee met to deliberate in an upper room at the residence of Thomas E. Thompson the out-look from that point upon the prospects of Southern Methodism, West and South, was every thing but encouraging. Not a word had come from the Southern States and the former centers of Church influence and power. No key-note had been struck in any quarter, and the leading men of the Church seemed slow to speak. Were they looking, all looking, to

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Missouri to lead off? In Missouri the Church had suffered more than in any other State; and it may be that in the providence of God it was designed for the Church in this State, speaking from her desolation, to strike the key-note that should vibrate through all her connectional territory, and tone as well as direct the policy of the whole Church. The chairman of the committee, at their first interview, so felt and so expressed himself to his brethren. Only those who were present at the time could measure the responsibilities of the hour. For every exigency of His cause God supplies the men and endows them with the requisite qualities.

The attitude of the Northern Methodists in this State, backed by the military authorities and the party in power; the fear and trembling of many true friends of the M. E. Church, South; the new Constitution, upon which the people had so recently voted, and which we knew would be forced upon the people of the State with its proscription and persecution of ministers of the Gospel, and the general feeling of insecurity and uneasiness from which the people had not recovered, all invested the occasion, the work and the results of this informal meeting with the gravest responsibilities.

It was deemed best to take no formal action on the test oath of the new Constitution lest further hostility to the Church should be provoked, but for the preachers present to interchange views, and each act according to his own conscientious convictions when the trial came. It was also thought best not to make any formal reply to the address of the St. Joseph Conference of the Northern Church upon the subject of absorption, but in a general way to set forth the true position of

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the Church, resolve to maintain the separate and distinct identity of the M. E. Church, South, at all hazards, give the leading reasons for it, and then adopt such measures as would inspire confidence, revive our cherished forms, reconstruct our organization, infuse every where a resuscitated organic life, recover the waste and desolated places, and rehabilitate our peculiar institutions and organs.

In drafting the report of the committee the chairman had the benefit of Bishop Kavanaugh's wise counsel—at least so far as to submit first to his judgment the rough draft, and afterward its phraseology, and was thus able to go into the meeting with the moral force of the Bishop's endorsement. The paper was looked forward to with great interest by both the meeting and the community, for by this time both the friends and enemies of the Church were fully aroused to the importance of the deliberations, and by the time the committee were ready to make their report the spacious church was crowded with deeply interested people. The very first reading of the paper produced a profound impression, touched the deepest fountains of the heart, and moved the strongest emotions. Many were filled with joy, while others "turned and went away in a rage." The report of the committee did not pass the meeting without the gravest deliberation, and even the severest criticism. Its general bearing upon all the great questions involved, its particular application to definite issues, its tone and temper, spirit and language, were all subjects of discriminating criticism and wise discussion for nearly a whole day. But it finally passed, with but few dissenting voices, just as it came from the

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committee, without the change of a single word. There was no division of opinion upon the object proposed, and only two or three dissented from the manner of reaching the object and the verbiage of the report.

The community at once asked the privilege of raising money enough to have the action of the meeting published in pamphlet form and sent every where in the bounds of Southern Methodism. This was done cheerfully and promptly, and it went like the voice of a resurrection life through all the Southern and Western States. In this State it produced a profound sensation and the happiest effect. Old men who had given up all as lost read it and lifted up their voices and wept for joy. They read it again and then started for their neighbors, and over it they had mutual congratulations and rejoicings.

Not a few affecting scenes occurred in those parts of the State where Southern Methodists had long been afraid to hold up their heads.

In the *St. Louis Christian Advocate,* of December 7, 1865, a correspondent writes as follows of that part of the State lying north of the Hannibal and St. Joseph railroad:

"A trip of four or five days through a portion of the country above indicated revealed the following facts: 1. Since the meeting of the preachers in Palmyra last June assured the faithful few of our Church that we intended to maintain our organization *intact,* they have, from the depths of their pious hearts, 'rejoiced with trembling,' and, 'thanking God, have taken courage.'

"That meeting was an event of incalculable importance to the Church all over the State, because it

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reassured our people that their chosen ministers would not betray the trusts committed to them nor forsake them in the dark hour of trial. Old men, who had clung to the Church through all the storm, lifted up their voices and wept for joy when they read the reports of the Palmyra meeting, and rode over their neighborhoods to scatter the glad tidings that the ship would not be given up. I saw one old man, now over sixty, who walked three miles to obtain a copy of the proceedings, and then wore it out reading it to his neighbors."

Bishop Kavanaugh reported that the people through the whole South felt and acknowledged the power of the Palmyra meeting upon the tone and spirit of the Church, and that it did much to shape the policy of the Bishops and leading men of the Church. The thought was general, if these Missouri preachers, who have suffered so much and who stand in the presence of the most proscriptive and oppressive iniquity of the age, the New Constitution of their State, determine that the Church shall not go down, then it *shall be maintained*, and, with God's help, we will rally to the old standard, reset the old landmarks, and "pledge our lives, our fortunes and our sacred honor," with our purest devotion, to maintain our ecclesiastical organization at all hazards and to the last extremity.

Bishop Marvin said that the report of this Palmyra meeting was to Southern Methodism in Texas like the clarion notes of a mighty chieftain calling the scattered knights to duty and to danger, and inspiring the courage and confidence of the Church throughout the whole South. In Virginia and the Carolinas, according to the

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Episcopal Methodist, of Richmond, Va., it was like "life from the dead." From that day forth the fortunes of the Church began to revive, preachers went forth with the message of life and salvation with more confidence, and the scattered people began to gather around her desolated altars and lift the voice of praise in her long silent temples. In every part of the State the ministers of the M. E. Church, South, were hailed with joy and heard with profound reverence and respect. Trustees of stolen churches began to assert their rights and institute suits in the civil courts to recover their property. Public prejudices were slow to yield and the public mind was sluggish to move, but the quiet, orderly, humble course pursued by the preachers, who "determined to know nothing among men save Jesus Christ and Him crucified," won the hearts, inspired the confidence and commanded the respect of all right-thinking men. Thus they waited and labored, prayerfully and patiently, until the public mind was reached; old and deep-seated prejudices began to give way, a healthy and powerful reaction set in, and it was not many years until the stolen churches were restored to their rightful owners, the lost ground recovered, the waste places reclaimed, the "burnt districts" rebuilt, the wasted membership replenished by the most gracious revivals, and the Church more firmly and deeply established in the affections and confidence of the people than at any former period. As this Palmyra meeting will assume a high historical value in the future Church, it will be appropriate to close this chapter with both the names of the actors and their action.

The meeting assembled in the Methodist Church,

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in Palmyra, Mo., June 22, 1865, upon the call of Rev. Andrew Monroe, and at 3 o'clock p. m. was organized by the election of Rev. A. Monroe, Chairman, and Rev. John D. Vincil, Secretary.

The following members of the Missouri Conference were present and enrolled as members of the meeting, viz.: Revs. A. Monroe, C. I. Vandeventer, F. A. Savage, B. H. Spencer, W. M. Rush, R. G. Loving, James Penn, H. H. Hedgepeth, W. M. Newland, W. W. McMurry, J. D. Vincil, R. P. Holt, A. P. Linn, Louis Downing, H. A. Bourland, E. H. Hudson, Jacob McEwen, L. Rush, W. Warren, P. M. Pinckard, S. H. Huffaker, and W. M. Leftwich; also, Rev. Wm. D. Cox and Wm. O. Cross, local preachers, and a goodly number of laymen. About noon of the second day Bishop Kavanaugh, of Kentucky, arrived, imparting courage and inspiring hope in the heroic little band.

The "Committee on the State of the Church," to consider the condition of the Church in Missouri, and determine whether it was expedient and practicable to preserve and perpetuate our separate ecclesiastical organization, submitted, through its chairman, and the meeting passed, as heretofore stated, the following paper.

"Your committee, in considering 'the importance of maintaining our separate and distinct ecclesiastical organization,' beg leave to present the following resolution and accompanying paper:

"*Resolved*, That we consider the maintenance of our separate and distinct ecclesiastical organization as of paramount importance and our imperative duty.

"The reasons are many and obvious. While we

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have maintained a separate and distinct ecclesiastical organization for twenty years, yet we claim original paternity and co-existence as a Methodist Church with the other branches of the great Methodist family in the country. Facts will not permit us to yield to any other Church of that name priority of age; nor in any other light than as an attempt to deceive the unsuspecting among our people can we regard the specious claims urged to the confidence and patronage of the Methodist public under the name of 'Old Church.'

"In contravention of the Plan of Separation agreed upon by the General Conference of 1844—the legitimacy and binding force of which were recognized by the Supreme Court of the United States—the Northern wing of the Church has acted in bad faith toward us in many ways.

"And since that Church was forced, by law, to give to our Church her *pro rata* division of property—which she was too mercenary to do without an appeal to the highest judiciary of the country—she has persisted in an unprovoked and undesired war upon us—a war which has aggravated the questions of difference, widened the breach, and produced an estrangement of feeling and a destruction of fellowship for which she alone is responsible, and which we can not even seek to remedy without compromising principle and yielding all self-respect.

"Those who publish to the world that all differences between us are swept away with the institution of slavery are either ignorant of the facts or are trying to mislead the public. The question upon which the Church divided was not whether the institution of

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slavery was right or wrong *per se*, but whether it was a legitimate subject for ecclesiastical legislation. The right or wrong of the institution, its existence or non-existence, could not affect this vital question. It is now abolished by Federal and State legislation, which event we accept as a political measure with which we have nothing to do as a Church. And it remains for us to demonstrate our ability to exist without the institution of slavery, as we have existed with it, which we have already done in California and other places.

"Now, if we go into the Methodist Episcopal Church, we will, by that act, yield the position we have so often taken, admit the charges we have so often refuted, and, by accepting political tests of Church fellowship, stultify ourselves and compromise the essential principles of the Gospel. If we seek an alliance with, or permit our Church to be swallowed up by any other ecclesiastical body, so as to destroy our separate existence as a distinct organization, we admit the charge, that with the institution of slavery we stand or fall.

"The subject of Church reconstruction or consolidation has been widely discussed by the press and ministry of the Methodist Episcopal Church, North, and reasons, both political and ecclesiastical, are urged, with an ill disguised pertinacity, why we should consent to an absorption of our entire ecclesiastical body by that Church.

"It can not be disguised that what they failed to accomplish during the war by military order and authority they now seek to effect by ecclesiastical strategy and diplomacy—*i. e.*, to get possession of our Church property; and rather than recognize us now as

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a Christian Church, entitled to their ecclesiastical fellowship and Christian fraternity (which they, by formal vote of their General Conference, refused to do in 1848), and in that way, and with a Christian spirit, seek to offer negotiations upon the subject, they prefer to ignore our existence, or, which would suit their purpose better, pronounce us disloyal to the Government, and, per consequence, not entitled to an existence at all; then invade us, and, by misrepresentations, seek to disaffect our people, disintegrate our Church, and inaugurate an ecclesiastical strife that will involve the third and fourth generations.

"The only consolidation or reconstruction they would accept would be, that we turn over to them our Church property, and interests, and influence; yield the whole field; confess that we have been in the wrong; indorse the politics of their Church as a condition of membership; and become political hucksters instead of Gospel ministers: then, even, our motives would be suspected, and we looked upon with contempt for our cowardly truckling to party and power.

"Again: we affirm that our itinerant system has become a great moral agency in elevating the masses of the people, preaching the Gospel to the poor, and 'spreading scriptural holiness over these lands.' Under its wide-spread operations we have gathered the people together, planted churches, organized Sabbath-schools, acquired Church property, built up and endowed institutions of learning, and become a moral and religious element of the country, at least equal to any other Protestant Church.

"The people have learned to look to our ministry

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for the Gospel, to our churches and Sabbath-schools for religious instruction, and to our influence in restraining vice, encouraging virtue, maintaining law and order, and promoting the well-being of society. We can not, therefore, abandon our Church and people, or betray the interests and trusts committed to us as a Church, without a plain and culpable disregard of duty that would subject us to the contempt and derision of the Christian public. We are not at liberty to dissolve our ecclesiastical organization or permit our Church to be absorbed by any other, even should we desire so to do; for our people have been consulted, as far as practicable, and they are unwilling to seek any other Church connection, but, with great unanimity, demand at our hands the maintenance of our Church organization intact.

"It is, therefore, due the great mass of the people who oppose the prostitution of the pulpit to political purposes—it is due to our large membership, who have been converted and gathered into the fold of Christ under our ministry, and who love our Church doctrines and discipline too fondly to seek any other fold now—it is due every principle of self-respect and ecclesiastical propriety that we maintain, with firm reliance upon the help of the Great Head of the Church, our organization without embarrassment or compromise.

"While these are some of the many reasons why we should adopt the above resolution, we desire most ardently to cultivate fraternal relations with all the Evangelical Churches, and 'as much as in us lies, live peaceably with all men.'

"WM. M. LEFTWICH, *Chairman.*
"JOHN. D. VINCIL,
"WM. M. NEWLAND."

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CHAPTER XV.

JURING AND NON-JURING MINISTERS—PUBLIC INTEREST.

Baptist Church—General Association of Missouri on the Oath—Public feeling throughout the State—Hon. B. Gratz Brown and Rev. Dr. Nelson on Religious Liberty—Who favored the Application of the Oath to Ministers—"Hard Questions to Answer"—Viewed from Abroad—The New York *Observer* on "Religious Liberty in America"—Our Own State—The Religious and Secular Press—How the Subject was treated in different Counties and Courts by Judges, Jurors and Attorneys—The Vindication of Juring Preachers Required—Curious Facts and Incidents—Dr. M'Anally and the Old Ladies of the "Home."

BAPTIST CHURCH.

After the new Constitution was, by executive proclamation, declared to be the supreme law of the State, and before the expiration of the sixty days allowed to ministers to take the oath, the General Association of the Baptist Church of Missouri held its annual session at Boonville, Mo.

This was the first ecclesiastical body in the State to take formal action on the great questions raised by the Test Oath of the new Constitution. This Association accepted and met the grave issue in a manly, Christian spirit, and disposed of it in an able paper, which clearly indicated that ministers of the Gospel had at last found themselves assailed by persecutions and surrounded by difficulties of which they had often read in the history

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of olden times, but which they never expected would become a part of their own history.

This Association closed its deliberations August 21, 1865, and amongst other important matters, and after mature deliberation, adopted a lengthy paper, setting forth the following reasons for *declining* to take the oath prescribed by the new Constitution:

"1. The oath is in conflict with the Constitution of the United States.

"2. It is unjust in its operations—punishing ministers for that which is no crime while other classes are not equally punished."

"3. It proposes to punish ministers for that which is not, properly speaking, a crime at all.

"4. By taking this oath we would acknowledge an authority in the State which does not belong to it.

"5. In so doing we would place human authority above Divine, and thus condemn the examples given in the Scriptures and the great principles for which Baptists have contended and suffered in all governments wherever they have lived, from the Christian era down to the time of the American Revolution."

Each of the above reasons were supported by a critical analysis of the Test Oath and a logical argument based upon the highest authorities. The paper is lengthy and ably written, and was issued in the form of an Address to the Baptist Churches of the State. The *fifth* reason is supported by a number of historical instances illustrative of the persecutions of Baptist ministers in other days and countries.

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GENERAL INTEREST—PUBLIC FEELING.

The action of the Baptist Association of Missouri, the "Address to the Ministers and Members of the Presbyterian Church in the State of Missouri," heretofore noticed, the action of the "Palmyra Meeting," and the tone of the leading journals of the State, such as the *Missouri Republican* and the *St. Louis Christian Advocate*, created quite a general interest throughout the State on the bearing of the new Constitution upon the distinctive questions of religious liberty assailed and the course that ministers of the Gospel would pursue. The party which concocted, framed and supported the new Constitution began to feel the force of public sentiment on the subject, and many of their leading men and journals were not slow to explain, mollify, apologize for, and promise to amend the odious and proscriptive features of that instrument. The Hon. B. Gratz Brown and the Rev. Henry A. Nelson, both radically loyal, addressed letters "to His Excellency, Thos. C. Fletcher, Governor," in which they took high ground on the great principles of civil and religious liberty. Mr. Brown said, "I am devoted to civil and religious liberty on principle, and can not consent to violations of either, no matter how dear they may be to the ruling prejudices of the times; and it is the initial of such infractions that should be opposed, for when once hedged about by other interests, and connected even in the imagination with the retention of political power, they become difficult to uproot. What is required by the State to-day as a qualification for preaching may to-morrow be further extended as a

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qualification for worship; and the State undertaking to say who may worship publicly and who may not, might go a step further, requiring all to worship, and prescribing the mode of that worship." After reasoning in this strain at some length, he closes up with the following language:

"But my intention was not to make an argument, nor to raise obstacles to the putting in force the Constitution, but to submit some considerations as to its defective character, the necessity for its amendment, and the disposition that should animate all who are more solicitous of having an organic law for our State reflective of perfect liberty in all its parts than of making it a vehicle to consolidate prejudices against color, animosities of race, or infractions of civil and religious liberty."

The Rev. Dr. Nelson, in his letter to Gov. Fletcher, begins by saying: "I have this day mailed to the Secretary of State my oath of loyalty as a curator of the State University, to be placed on file, as required by the new Constitution." He then raises a practical question, whether the Governor "was under obligation immediately and sternly to put in force certain provisions which were inserted by the Convention while the rebellion was still rampant, which the collapse of the rebellion had rendered unnecessary, and which it is probable that a majority of the people at the time of their voting on the Constitution would have rejected if they had had opportunity to vote upon them as separate propositions. "I refer," says he, "particularly to the provision requiring ministers of the Gospel, as such, to take and file the 'oath of loyalty.' The opinion that

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this is an unwarrantable encroachment of the civil power upon the Church—a real infringement of religious liberty, is by no means confined to those who sympathize with disloyalty. It is decidedly my own opinion. I claim no exemption from responsibility to the State for all transactions on account of my ministerial character. But I do not admit the right of the State to impose upon me any oath or anything else whatsoever as a qualification for an office which the State does not confer and has no right to control." Dr. Nelson closes his letter with the following language: "I am very confident that an amendment striking out this provision, if now submitted to the people, would be adopted by a large majority. I earnestly hope that your Excellency will be convinced that the real will of the people is that you should exercise clemency in exempting from the penalties of this Constitutional requirement all men whose behavior since the suppression of the rebellion is unexceptionable, or at least in staying the execution of such penalties until the will of the people can be ascertained by the submission to their votes of an amendment to the Constitution by the Legislature."

It would be difficult to characterize the miserable logic of this document, while it exhibits the terrible straits to which the party leaders were driven by the enlightened public sentiment of the people, and the lame defense of such reckless party measures which they were able to make.

This is but a sample of the many intimations and pledges made by the party that this iniquitous provision of the Constitution should be removed by a speedy

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amendment. The design was, doubtless, to allay the popular feeling, appease the rising indignation, and still assure the party power, if need be, at the cost of all civil and religious liberty. No amendments of the kind were ever proposed by the Legislature or submitted to a vote of the people; and when ministers were indicted in the civil courts for preaching the Gospel without taking the "said oath" they were convicted and sentenced, and the Supreme Court of the State sustained the courts below, and thus gave the whole weight of the judicial department of the State government to the legal sanctions of the "test oath" and its application to ministers, as such. Very few men in the State had the hardihood to endorse fully and defend publicly this provision of the new Constitution. Among that few, however, all the Northern Methodist preachers were found, and a few extreme and reckless Radicals of the Unitarian and Congregational Churches, with a small faction of Presbyterians and Baptists. Mr. George P. Strong and Mr. Charles D. Drake, both leading laymen in the Presbyterian Church and active members of the Constitutional Convention, were active and bold defenders of their own work. In reference to the vindication of the Constitution by Mr. Strong, the *Missouri Republican*, of Sept. 23, 1865, has the following article:

"HARD QUESTIONS TO ANSWER.

"The anti-Christian law enacted by the late Convention in this State, which prohibits the free preaching of the Gospel in Missouri, has at last found an apologist. We imagine that its defense is a hopeless undertaking; but Mr. George P. Strong does not agree with us in

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this opinion. We have the satisfaction of knowing, however, that Mr. Charles D. Drake does. A determined attempt has been made to represent the question of the legality of this prohibition as a *party* question. But it is not a party question. It is a question of religious freedom; and Christian men in the Radical party itself regard it as such. Is Mr. Drake disloyal because he disapproves the interference of the State in ecclesiastical affairs? Is Dr. Nelson disloyal or Rev. Mr. McCook?

"To enable Mr. Strong better to understand the precise point of the objections urged against this clause in the new Constitution (and we take it for granted that his design is to *meet* these objections, not to *evade* them,) we append certain questions, to which we hope that he will be fearless enough to give a candid answer. He has undertaken to establish two propositions—first, that the Convention had a right to require of every citizen a sworn declaration of loyalty, not only for the future, but *in the past;* and, second, that the State may lawfully forbid clergymen to *preach the Gospel* if they will not take the oath prescribed.

"As to the first of these points we venture to ask Mr. Strong—1. Is the Convention 'oath of loyalty' an oath of *allegiance* or an oath of *purgation?* 2. If it is not an oath of purgation, what does it require to constitute such an oath? 3. Are oaths of purgation characteristic of free or of despotic governments? 4. What argument can be adduced to justify the prescription of an oath of purgation now, and in Missouri, which has not already been worn threadbare in the defense of tyranny throughout all ages? The plea invariably

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offered, as every student of history knows, in extenuation of every usurpation of authority and every encroachment upon the liberties of the people, is the 'safety of the State.' Has Mr. Strong any new argument to offer?

"As to the second point, we would be glad to know —1. What is the crime for which clergymen, under this law, will be punished? Will they be punished for *preaching the Gospel?* 2. If not, what will they be punished for? 3. Has the State a right to punish the preaching of the Gospel?

"No argument in defense of the new Constitution which does not meet these points of objection is valid. Come, Mr. Strong, what have you to say? The people of Missouri wait for your reply."

It is well to note from time to time not only the character of the history we are making, but its impression abroad—what others think of us, our sayings and doings. Not infrequently do we obtain the only correct view of the nature and bearing of our acts and doings from abroad and from a stand-point outside of and independent of ourselves.

The new Constitution of Missouri, with its unrighteous oath of loyalty required of ministers of the Gospel, was too bold and barefaced an assault upon civil and religious liberty to escape the notice, the criticism and the earnest protest of the public press throughout the whole country. As a sample of the opinions and spirit of the press at the time, the following editorial is taken from the *New York Observer*, of Sept. 28, 1865. It is headed

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"RELIGIOUS LIBERTY IN AMERICA.

"We are indebted to several friends and correspondents in Missouri for a large quantity of documents, manuscript and printed, relating to the oath of loyalty required in that State. The subject is assuming fearful proportions, and comes home to the heart of every Christian and every friend of religious liberty in the United States of America. The enactment of this provision in the Constitution of Missouri is the first step in this country toward the assertion of the right of the State to regulate the Church, and it is to be resisted on the threshold with all the force of argument and appeal.

"A copy of the oath is before us. It would fill a column such as this. It requires a man to swear that he has never, directly or indirectly, aided the late rebellion, but has 'always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic.' It does not merely require present loyalty. It is an oath of purgation. No room for repentance is left. If a man has written letters to his Southern friends unlawfully, he can never preach the Gospel again in Missouri. The oath is purely retrospective. It is clearly an *ex post facto* law, such as is forbidden by the Constitution itself. It imposes a new penalty for an offense committed before the law was framed. We believe that any court, outside of the public sentiment which compelled the adoption of the law, would pronounce the oath *unconstitutional*.

"Our advices from Missouri are contradictory as to the course pursued by the ministers of the State, but

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we believe there are three classes whose line of action is distinctly determined.

"1. Those who have been disloyal in thought, word or deed can not take the oath, however sincerely they may now repent of their past course. All such men must leave the State or renounce the ministry and abstain from teaching in any college, common or Sunday-school, under penalty of five hundred dollars fine or imprisonment in jail!

"2. Loyal ministers who hold to the supremacy of Christ in the Church, and deny the right of civil government to impose any restriction upon the spiritual rights and privileges of the people, can not take the oath with a good conscience if they regard this oath as an infringement of their liberties.

"3. Loyal ministers who have no conscientious scruples on this point have taken the oath without hesitation, and we suppose that they constitute a large majority of the clergy of the State. Those who refuse are already in danger of judgment. The papers say:

"'Father Cummings, a Catholic priest, residing in Louisiana, Missouri, was arrested a few days since, taken before Judge Fagg, of the Pike Circuit Court, and sentenced to pay a fine of five hundred dollars for persisting in preaching without taking the constitutional oath. Having refused to pay the fine, and declining to permit his friends to pay it for him, the reverend Father is confined in the county jail. His case will probably be brought before the Supreme Court for a final decision.'

"In our remarks on this subject a few weeks ago we said that we had not then seen the oath. We supposed

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it to be simply an oath of loyalty or allegiance, such as the Government may lawfully ask of every citizen. But having now read it, we are constrained to regard it as one of the most tyrannical acts of oppression of which we have any knowledge in the history of free governments. It requires nothing, however, that we, if we were there, could not subscribe to with a good conscience. Were we a pastor in Missouri to-day we would take the oath rather than be compelled to abandon the pulpit. But the measure is to be condemned:

"1. Because it is utterly hostile to the spirit of conciliation on which we have now entered, to restore union and harmony between those who have lately been at war.

"2. It dooms to exile or silence all those ministers who have been at any time in sympathy with the rebellion, however sincere their repentance or faithful their devotion now. Thus the strange spectacle is presented of a civil government extending pardon to rebels, giving them property, office and power, but driving from their churches and people all ministers of Christ's Gospel who have been led by false views of duty for a moment to sympathize with wrong. No *sane, good man*, we are sure, can deliberately approve such a horrible measure. The Revocation of the Edict of Nantes delivered up the Protestants to the fury of a bloody persecution. This law delivers up the ministers of Missouri who can not take the oath to a persecution less bloody but not less cruel.

"3. It requires a certain class of men to submit to a qualification from which others are exempt. Thus, a man may practice medicine without taking the oath,

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but he may not preach the Gospel. The State assumes to depose men from the ministry by introducing a test not applied to physicians, merchants, bankers, tradesmen, manufacturers and others. A provision so unequal is unworthy of enlightened legislation.

"The law expressly forbids a man to 'hold' or exercise the office of the ministry or any of its functions unless he has taken the oath. He must cease to be a minister or be liable to go to jail, as some have already suffered."

By way of indexing the public feeling in this State at the time and for a few months after the new Constitution went into effect, take the following sample from the *St. Louis Christian Advocate*, of October 19, 1865, under the general head of "Current Events:"

"OUR OWN STATE.

"Affairs in our State, at present, are somewhat like lady Macbeth's feast—'in admired confusion' or 'disorder'—really forgot which it was, but either will do. The great absorbing question, 'the test oath,' which the new Constitution imposes on lawyers, preachers, teachers, &c., is still before the public, and, from all the *Advocate* can hear, a more general condemnation was rarely, or never, given any subject by the mass of the people than is given to this. Every where the voice of condemnation is loud and bitter. Of the nineteen Judicial Circuits in the State, the Judges on eight of them have either decided against the constitutionality of the test oath in regard to lawyers, or ignored the subject entirely, and proceeded with their courts just as though no such oath had ever been thought

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of; while of the others, eleven in number, a few have required the oath to be taken by lawyers as a condition precedent to their continuing to practice, and from the rest nothing definite has been heard. Noticing this state of things, the *Missouri Republican*, in a late issue, closed a somewhat lengthy article on the subject, as follows:

"'The poor, miserable, despicable new Constitution is an abortion—"a mere shotten herring." Poor tyrants! poor plotters! When your Constitution was opened and read the people stood aghast. The first Grand Jury of St. Louis county stood up in open Court and told the Judge to his face they would not execute its tyrannical behests! Their *consciences would not allow them to do it!* Of corporators, preachers, lawyers, ministers, deacons, elders, bishops, priests, &c., there have been, perhaps, ten thousand violations of this Constitution in St. Louis county, and only one indictment!

"'That indictment was against Mr. Glover, and preferred on his own request, in order to an adjudication of the question. That indictment has been tried, and in reply to the reading of the law and the many palpable objections to the validity of the indictment not one word is said by the prosecutor! Not one word can be said!

"'We concede that in other portions of the State a few vindictive and violent partisans have stirred up two or three prosecutions and are harassing innocent people. But these fanatics are to be more pitied than censured, as other persons are the real criminals in the case. But these disturbers of the peace of their neighborhoods will directly cease from troubling, since it is now manifest that what was intended for a *tragedy* has turned

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out to be a *farce*. Those who intended to distinguish themselves as *tyrants* have only made themselves notorious as *fools*. The plotters and makers, aiders, abettors, contrivers and supporters of the new Constitution of Missouri are destined ere long to be the most odious people who have been known anywhere.'

"The question of the constitutionality of the oath in regard to preachers will be before the Supreme Court of the State this week, in the case of Rev. Mr. Cummings, who was indicted in Pike county. What the decision of that Court may be remains to be seen. If the oath be declared constitutional, and an attempt made to enforce it generally, we may look for trouble throughout the State. But 'we shall see what we shall see.'"

By this time the public mind was filled with the deepest interest for ministers of the Gospel, and every newspaper in the State had taken up, in some form, the absorbing question. Some ministers were taking the oath and some were being indicted for not taking it. In some counties Grand Juries refused to find a true bill of indictment against ministers, and at every county seat in the State there were lawyers who offered their services without fee to the non-juring ministers. Some Judges declined altogether to charge Grand Juries to take cognizance of non-juring ministers; while others, like Judge W. P. Harrison, of the Sixteenth Judicial Circuit, charged Grand Juries "to treat the preachers who were preaching the gospel without having first taken, subscribed and filed the said oath just as they would *horse-thieves and other felons.*"

Ministers who took the oath felt constrained by the public excitement to give, in some shape, the reasons

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which influenced them; while those who refused to swear rested their vindication in the public sentiment and the well aroused religious conscience.

Political partisans who refused to see any thing else in it but party questions, excited the people to such an extent that many persons refused to hear a man preach who had not taken the oath, and many more refused to hear those who had. Some churches called their pastors to an account for their course, and some went so far as to make the "test oath" a "test" of support. It is next to impossible to measure, at this distance, the depth and the extent of public feeling on the subject. Another extract from the *St. Louis Christian Advocate* will still further aid the just appreciation of the public interest at the time. It is from the issue of November 16, 1865, and is as follows:

"THE PREACHERS' OATH,

"Or, more correctly, 'the oath for preachers,' still claims a large share of public attention. And no wonder. It is one of the most important questions ever presented to the consideration of the people of this State—one that involves their highest and dearest interests both for this world and the next. It is well that a large share of public attention is given to it. A few preachers have subscribed to that oath—only a few, however, proportioned to the whole number. Of course those who have taken it justify themselves; and would have others do likewise. Of this number is the Rev. Dr. Post, of this city, to whom the *Daily Press*, a spirited morning paper of this city, pays its respects as follows. Read attentively and ponder well what is said. Many

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will be curious to learn what reply the Reverend Doctor will make to these questions. Very likely, however, he will pass them in silence:

"'Dr. Post, of this city, has taken pains to publish his views in favor of requiring an oath from the clergy. We have no time to waste in reviewing an argument, even by so learned and good a man, on that question. We will merely put to the learned Doctor a few questions.

"'Does not the right in the State to impose one condition involve the right to impose any other condition? Does not the right to impose any condition involve the right to impose a condition that can not be complied with—namely, a condition amounting to prohibition?

"'Does the State, then, possess the power to prohibit one man from preaching the Gospel?

"'If it has the power to prohibit one man, has it not the power to prohibit all men from preaching the Gospel?

"'Is, then, the command of the State superior to the command of God in religious things?

"'If Missouri may rightfully do this, may not all other States and all Governments do it?

"'Do you, then, acknowledge the right of civil government to banish the preached Gospel from the world?

"'Do you acknowledge the right of a Missouri Convention, ten years hence or ten years ago, to forbid you to preach, except on your declaration, under oath, that you never did nor never will maintain the divinity of Jesus Christ or the inspiration of the sacred Scriptures? Is a government worth preserving whose safety de-

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mands assent to the foregoing doctrines? Is not "the right to communicate one's thoughts freely" (that is, the right to preach), as declared in the new Constitution, an essential element of liberty; and, if so, what is government for unless to preserve liberty?

"'Is a government worth preserving when its preservation involves the destruction of liberty?

"'Is the destruction of liberty in this State necessary to the preservation of our State government?

"'Will the partisans of our present State administration say that it is?'"

In the application of the "test oath" to ministers in their various fields of labor, and the "stand taken" by many super-loyalists, who happened to have control of churches and other institutions where the services of ministers of the Gospel were performed, many curious and even amusing facts were brought to light.

The following extract from the *St. Louis Christian Advocate*, of May 31, 1866, will illustrate the point, explain itself and close this chapter:

"While on the subject of 'the oath,' it may not be amiss to republish the following item which appeared in one of our city dailies last week:

"'Our County Court yesterday gave a new illustration of the preacher's oath of the new Constitution. One of the Judges, Mr. Dailey, offered a resolution instructing the Superintendent of the County Farm to permit ministers of the Gospel to preach to the inmates of that institution without taking the oath required by the Constitution. Also, an order admitting priests and ministers to enter the institution at any time for the purpose of administering religious consolation, etc., to

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the inmates when sick or dying. The resolution and the order were both rejected by a vote of four to two.'

"While on the subject it may not be improper to add still further that there are several scraps of unpublished history connected with this matter, of which the public may learn something in due time. But, lest the aforesaid public become too impatient or despairing, here follows one 'scrap' by which they may be entertained as by way of preface to what may come hereafter:

"'230———STREET,
"'ST. LOUIS, January 5, 1866.

"'*Rev. Dr. M'Anally*—

"'DEAR SIR: The Board of Trustees of the "Home of the Friendless" have directed me to express to you their sincere thanks for the kind interest you have manifested in the "Home," and the faithful manner with which you have always discharged the duties of your office.

"'It is with great regret, in consideration of the stand you have taken, politically, that they, as a loyal Board, must decline your services in future.

"'Respectfully yours,
"'———, Secretary.'

"The letter is genuine, but as 'the Board' is composed of ladies, the name of the writer is omitted. To this letter the following answer was returned:

"'*Mrs.———, No. 230 ———st.*

"'MADAM: Your note of the 5th instant reached me through the postoffice to-day. From it I learn that "the Board of Trustees of the Home of the Friendless," offer "sincere thanks" for the interest I have taken in

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that institution; also for the "faithful manner in which I have always discharged the duties of my office." But, "in consideration of the stand I have taken, politically, they decline my services in the future."

"'In replying, allow me to say:

"'First, That I had not supposed that the Home of the Friendless was a political institution, or that any political "stand" was required as a condition precedent to the preaching of the Gospel to its inmates.

"'Secondly, I have taken no "stand," "politically" or otherwise, which I did not occupy when performing the services for which the Board offer "sincere thanks;" and if I were competent to render "faithful services" then, I am equally competent to do so now.

"'During several years last past I preached occasionally at the "Home," but always at the solicitation of the Board of Managers; and two or three years ago, at the urgent request of a committee of this same Board, I agreed to preach there on the afternoon of the second Sabbath of each month. This I have promptly and, I trust, faithfully done; and done, not because I had no opening, no congregation, no invitation, elsewhere, but because I regarded it both a duty and a privilege to preach the Gospel to the poor. Hence I denied others, and often large assemblies, that I might serve the inmates of the "Home." In no instance whatever did my services cost the Board of Trustees, or any part thereof, either money or trouble. I furnished my own means of conveyance, administered to my own wants, and neither asked, expected, nor desired any worldly compensation.

"'Few and far between as my visits were, I think

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an examination of your register at the "Home" will reveal the fact that these services constituted a large proportion of all that were performed during the same period by any regular minister of the Gospel.

"'Permit me to express to you, and through you to the Board of Trustees, my sincere desire for the continued prosperity of the Institution of which they have charge, and my earnest hope that the inmates may be regularly supplied with the ministration of the Gospel.

"'Respectfully, D. R. M'ANALLY.

"'No. 80 *Pine Street, St. Louis, Jan.* 18, 1866.'"

"Not far from the time when this correspondence was held, a member of the same Church, and one who occupied precisely the same 'stand politically' with the above named ejected preacher, died and left by will *five thousand dollars* for the benefit of the 'Home' Was that bequest declined because of the stand the testator had taken politically? Do not know, but think *it was not.* But enough for the present."

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CHAPTER XVI.

FATHER CUMMINGS, REVS. JESSE FAUBION, JOHN WINN, L. M. MAHANEY, J. C. WILLIAMS AND OTHERS.

The Celebrated Cummings Case—A Catholic Priest, at Louisiana, Mo., Indicted—Arrested and put in Prison—Tried in Circuit Court of Pike County—Convicted and Sentenced—Supreme Court of Missouri Confirms the Sentence—Supreme Court of the United States Reverses the Decision, and Declares the Test Oath Unconstitutional—The Opinion of the Court Analyzed—*Rev. Jesse Faubion*—His Sufferings during the War—Indicted and Tried—*Rev. John Winn, Rev. L. M. Mahaney, Rev. J. C. Williams, Rev. H. M. Long—Rev. Willis E. Dockery—Rev. W. M. Newland*—A View of the Weekly History of Things in the State, from the *St. Louis Christian Advocate* of Feb. 1, 1866.

REV. J. A. CUMMINGS.

One of the first and most noted cases of indictment, arrest, imprisonment and trial for preaching the Gospel in this State without having first taken, subscribed and filed the oath prescribed by the new Constitution was that of Rev. J. A. Cummings, a Catholic priest, of Louisiana, Pike county, Mo., who was indicted, convicted, fined $500 and sent to jail.

This case derives its importance, as it gained its notoriety, from precedence. Hundreds of priests and preachers were indicted, arrested and tried in the civil courts for preaching the Gospel, but this case was the first one to test the application of the law in the lower courts and then to be taken by appeal to the Supreme Court of the United States.

The particulars of the "Cummings Case" have been

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so often paraded before the public that a detailed statement of the facts and incidents here is unnecessary. For the legal history and decision of the case in the Supreme Court of this State the reader is referred to "Missouri Reports," vol. 36, p. 263; and for the decision of the Supreme Court of the United States, the reader is referred to Wallace's Reports, vol. 4, p. 277, 1867.

In this, as in many other cases, the circumstantial details are required to bring out the full history, touch the public conscience and point the lessons.

The following account of the case, with a glimpse of the character of the more prominent actors, is furnished by a legal gentleman, who was in Louisiana at the time of the arrest and trial, and personally acquainted with all the parties. He obtained the facts from the Court records and his own observation, and holds himself responsible for all his statements:

"STATE OF MISSOURI
vs.
J. A. CUMMINGS.

"In September, 1865, a Radical Grand Jury in Pike county, Missouri, under a charge of Judge Thomas J. C. Fagg, an apostate Virginian, acting as Circuit Judge, indicted the Rev. Father J. A. Cummings, of the Catholic Church, for preaching the Gospel without taking the oath. Some time in that month a Radical Sheriff, one Wm. Pennix (give all their names to infamy), once a strong pro-slavery man, arrested Father Cummings and lodged him in jail, consigning him to the 'felon's cell' and the association of thieves. Said one of the felons to the priest as he entered the cell, 'What are you put in here for?' 'For

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preaching the Gospel,' replied the priest. 'Good,' said the man, 'I am in here for stealing horses.'

"The arrest and imprisonment of Mr. Cummings produced vast excitement. Men and women crowded around the jail, and the commotion was so great that the Judge and his men were anxious to bail him out, but he would not be bailed out. Then they were anxious that he should run off, and gave him a chance to do so, but even this poor boon he declined, preferring to remain in jail. In a few days Archbishop Kenrick, of St. Louis, sent up and had him bailed. The case was carried to the Supreme Court of the State, and the judgment of the Circuit Court of Pike county was confirmed. It then went up, by appeal, to the Supreme Court of the United States, where the decision was reversed and an eternal *quietus* put upon the Drake Constitution, so far as the same applied to ministers of the Gospel.

"This, I believe, was the first case in the State in which Radicalism dared to trust itself without the bayonet in a civil court of justice.

"Judge Fagg is a native of Virginia, Albermarle county, and inherited some negro property from his father's estate. He had so far trafficked in human flesh and blood as to sell off all his slaves except one very valuable negro man, named Richmond. This same Richmond got tired of his slavery, and ran off to Wisconsin, whither his master, this *God fearing, pure and undefiled Radical*, pursued him. The slave eluded him; he had no more flesh and blood to traffic in, and he became the best and purest abolition Radical Union man imaginable. It is needless to add that this *saint* (?)

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is in full fellowship with the North Methodist Church."

This statement reveals but too truly the character of the men who endorsed the new Constitution and rejoiced in the opportunity it afforded for the proscription and persecution of all who were not of their politico-religious faith and order.

When this case was before the Supreme Court of the United States it engaged the attention of the ablest lawyers and jurists of the country. Amongst them it may not be improper to mention Messrs. David Dudley Field, Montgomery Blair and Reverdy Johnson. The case was argued in March, 1866, and submitted to the Court; and, although a hundred or more indictments against preachers were pending in the Courts of Missouri, and the deepest interest was felt throughout the whole country in the result, the Court reserved its decision until the following December. Thousands of people were uncharitable enough to believe that political partisans influenced the Court to withhold its decision for political reasons until after the fall elections.

This whole instrument, called the new Constitution of Missouri, was a party measure, and upon it the party had staked its fortunes.

This case was prosecuted in the Circuit Court of Pike county and the Supreme Court of Missouri by ex-United States Senator J. B. Henderson, and the same gentleman, assisted by George P. Strong, of St. Louis, argued the case on behalf of Missouri in the Supreme Court of the United States.

The opinion of the United States Supreme Court was delivered by Mr. Justice Field and covers about the following points: A history of the case; an analysis of

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the test oath and its bearings; how far it was intended to affect the rights of the citizen; the theory of liberty; the severity of the oath. "The oath thus required is, for its severity, without any precedent that we can discover." It is retrospective, and is, in that feature, peculiar to this country. It is intended not merely to reach overt acts, but words, desires and sympathies. Under the form of creating a qualification or attaching a condition, it inflicts a punishment for a past act which was not punishable at the time it was committed, and for which there could be no trial and conviction. It is in the nature of a disqualification for any office, trust or function designated; as a punishment without due process of law and against the theory of our institutions and laws. It is in conflict with the Constitution of the United States; first, because it is a bill of attainder; second, because it is a bill of pains and penalties, inflicted upon the assumption of guilt, and for acts which were not offenses before the law was made; and, third, because it is in every legal sense an *ex-post facto* law.

Without defining any crimes, inflicting any punishment or directing any judicial proceedings against individuals, the new Constitution sought to reach certain classes and inflict disability which could not be reached by direct legislation. Upon this point the Court held as follows: "The clauses in the Missouri Constitution, which are the subjects of consideration, do not, in terms, define any crimes or declare that any punishment shall be inflicted, but they produce the same result upon the parties against whom they are directed as though the crimes were defined and the punishment was declared. They assume that there are persons in

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Missouri who are guilty of some of the acts designated. They would have no meaning in the Constitution were not such the fact. They are aimed at past acts and not future acts. They were intended especially to operate upon parties who, in some form or manner, by actions or words, directly or indirectly, had aided or countenanced the rebellion or sympathized with parties engaged in the rebellion, or had endeavored to escape the proper responsibilities and duties of a citizen in time of war, and they were intended to operate by depriving such persons of the right to hold certain offices and trusts, and pursue their ordinary and regular avocations. This deprivation is punishment; nor is it any less so because a way is opened for escape from it by the expurgatory oath. The framers of the Constitution of Missouri knew at the time that whole classes of individuals would be unable to take the oath prescribed. To them there is no escape provided; to them the deprivation was intended to be, and is, absolute and perpetual. To make the enjoyment of a right dependent upon an impossible condition is equivalent to an absolute denial of the right under any condition, and such denial, enforced for a past act, is nothing less than punishment imposed for that act. It is a misapplication of terms to call it anything else."

The learned Court then proceeds, upon another vital point, to say:

"And this is not all. The clauses in question subvert the presumptions of innocence and alter the rules of evidence, which heretofore, under the universally recognized principles of the common law, have been supposed to be fundamental and unchangeable. They assume

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that the parties are guilty; then they call upon the parties to establish their innocence, and they declare that such innocence can be shown only in one way—by an inquisition, in the form of an expurgatory oath, into the conscience of the parties."

Upon this subject the court cites the case of a somewhat similar test oath which was required of certain parties by a statute of the State of New York in 1783, and which was intended to reach the same result. It was then deemed a gross violation of the fundamental principles of civil liberty by the ablest jurists and statesmen of the times. The quotation from a paper upon the subject by that great statesman and lawyer, Alexander Hamilton, bears directly and forcibly upon the questions involved in this Missouri test oath. It is obvious that the Honorable Supreme Court of the United States regarded the New York test oath of 1783 a much milder form of inquisition, by an expurgatory oath, than the test oath of the Missouri Constitution of 1865. After a rather lengthy quotation from Mr. Hamilton on the distinctive rights assailed, the Court concludes:

"Similar views have frequently been expressed by the judiciary in cases involving analogous questions, but we do not deem it necessary to pursue the subject further. The judgment of the Supreme Court of Missouri must be reversed, and the case remanded, with directions to enter a judgment reversing the judgment of the Circuit Court, and directing that Court to discharge the defendant from imprisonment and suffer him to depart without delay.

"*And it is so ordered.*"

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For the able argument of counsel, as well as the full opinion of the Court, the reader is referred to Wallace's Reports, 1867, vol. iv, p. 277.

REV. JESSE FAUBION.

This highly esteemed minister of the Gospel and member of the Missouri Conference, M. E. Church, South, was subjected to sore trials and persecutions during the war and under the test oath of the new Constitution, an account of which, in brief, as furnished by himself, will be read with deep interest. The reader will not fail to note the *cause* of his persecutions. But he will tell of his own sufferings:

"In the year 1860 I was appointed to the Princeton Mission, Missouri Conference, and settled my family at Lineville, where I remained till the 2d of July, 1861. From the very first outbreak of the war persecution commenced against the M. E. Church, South, in that region, and increased in violence, until by the first of June of that year it was scarcely possible to hold a meeting without disturbance. These disturbances became so common and the spirit of lawlessness so fierce against the M. E. Church, South, and especially against me as a minister of that denomination, that, for purposes of safety, my brethren advised and urged me to abandon that field of labor and seek a home elsewhere, which I did on the 2d of July, 1861. The *pretext* for all this persecution was the allegation that the M. E. Church, South, *'was the cause of the war;'* in connection with which the asseveration was often and bitterly made, accompanied with horrid oaths, that as a Church and as ministers of that Church we should not be

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allowed to remain in this country; that they intended to '*wipe us out,*' etc.

"From Lineville I went to Callaway county, Mo., and by the advice of the Presiding Elder of that district I took a supernumerary relation to the Conference, rented a farm and commenced trying to make a living for my family. In September, 1862, about *forty* armed men, under the command of Colonel Brunce, stationed at Jefferson City, came to my house, in my absence, and robbed us of our blankets and all of my wearing clothes except what I had on, and took also my saddle-bags, pocket-knife, and even my spectacles. They also took my horse, and when my wife was pleading for him, one of the company told her she only wanted him for her husband to ride '*in order to preach d—n lies;*' but they afterward left my horse at the house of a neighbor, where I subsequently got him. After this, in the year 1864, a band of men came under cover of night and took the only horse I had, which I was never able to recover. In 1865 I moved to Shelby county, Mo., and settled at Shelbyville. On my arrival I found that there had been no preaching there since the inauguration of the test oath, and it was not considered safe for any man to preach in that community without taking it. The members of the Church were being scattered, and the young members were being led off to dancing parties and other bad places. After surveying the ground I thought that I might as well be sacrificed as anybody else; and in order to get the people out I made an appointment to lecture, which I did two or three times before the people came out in sufficient numbers to encourage me to make an appointment for preaching.

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I then preached for several days during Christmas week, when the people came out in such great numbers that the friends of the new law for compelling a minister to swear fealty to human government before he could be allowed to obey his Divine Master were greatly exasperated, and on the 6th day of February, 1866, I was arrested upon a charge of preaching without taking the oath of loyalty. The County Court being in session, I was brought for trial before *one of that body*, viz.: Mr. Robert Lair. The arrest was made by the deputy sheriff, Mr. Jas. Collier, and the prosecution conducted by Attorney *M. J. Manville*, who insisted that it was an *aggravated case*—said that prisoner had not only *preached*, but had also *lectured*—the word *lecture* being used to cover up the *infamy of the crime*—and said that the bond should be made *strong*, to prevent the prisoner from making his escape.

"The trial being ended, if that may be called a trial where both the spirit and the letter of the law are disregarded, for this County Justice had no jurisdiction of the case, I was compelled to give bond in the sum of one thousand dollars for my appearance at the next term of the Circuit Court or go to prison. From the best testimony I can get, Lieutenant William Holliday, county clerk, and a member of the M. E. Church, was the main mover in that act of persecution, for he was both plaintiff and witness in the case. The fourteenth and fifteenth of February, 1866, was the time appointed for holding the quarterly meeting for Shelbyville circuit. Between the time of my arrest and the time for holding the meeting, a man, who is now a prominent member of the M. E. Church, told our members that

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they had better use their influence to prevent us from holding that meeting, for if we did not cease preaching without taking the oath blood would be shed. But, notwithstanding the threats of mob violence and the prevailing excitement in the community, Bro. Newland, Presiding Elder of the district, came and held the meeting without any material disturbance, which closed on Sunday night.

"On Saturday night of this meeting, and on Monday morning and night after it closed, circumstances took place which are very significant, and I merely mention them and leave them to speak for themselves. I was living in a house which had four distinct tenements, divided by partitions, all of which were occupied at the time. On Saturday night, *after we were gone to bed, one of these families moved out.* On Monday morning another moved out, and on that night, sometime before day, this building, with all its tenements, was consumed by fire—the fire originating in a part of the building where there had been no fire during the winter. In this fire we lost nearly everything except life, and we very narrowly escaped with that.

"At the sitting of the May term of the Circuit Court, in 1866, I appeared and answered to my name when called, in connection with the names of other alleged criminals, when my securities were released, and my case was referred to the Grand Jury in and for Shelby county, Mo., who being strictly charged by his honor, Judge Harrison, in regard to ministers of the Gospel guilty of the crime of preaching without taking the oath, found me guilty in three separate cases, to answer to which I was held to bail in the sum of *three thousand*

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dollars. The following are the names of the Grand Jurors, viz.: E. L. Holliday, James Cherry, Oliver Whitney, Leonard Dobbins (all Northern Methodists), Charles Hight, Hawkins Smith, James Jameson, James Hopper, Lemuel Greenfield, Adrian Robins, George Baker (Congregationalists), Stafford Graham, B. F. Jones, James Ewing (Episcopalians), and Benjamin F. Foreman (Baptist). Messrs C. K. Cotton, J. R. Taylor, William Cotton, H. Montgomery, Isaac Muldrow, William Gouch, Thomas Swearingen, Mr. Vaughn and J. M. Ennis, were the noble men who went on my bond. On account of doing me this act of kindness I am sorry that Mr. Gouch was disfranchised. I wish to mention in this connection that Hon. Mr. Hawkins, of Canton, Mo., and Col. H. S. Lipscomb, of Palmyra, volunteered their professional services, and saw me through this persecution in the courts till my case was dismissed. But, notwithstanding threats of violence, such as shedding of blood, riding on a rail, &c., I continued to preach till the November term of the Court, when my case was continued, I being required to give bond with new securities for my appearance at the next term of the Court, when it was finally dismissed, the law being declared null and void by the Supreme Court of the United States.

"I am, fraternally,

"JESSE FAUBION."

"CASE OF REV. JOHN WINN, OF THE CUMBERLAND PRESBYTERIAN CHURCH.

"In the latter part of June, 1866, at one of his regular places of preaching, near Hagar's Grove, in the

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western part of Shelby county, Missouri, the above named minister was arrested by the constable and taken before the justice of the peace in and for that township, and was tried and found guilty of preaching without having taken the oath of loyalty, and put in custody of the constable to be delivered to the sheriff of the county, Mr. Joseph Forman. Before starting the constable said to the prisoner, 'I suppose you know the law makes it my duty to search you for money and arms?' 'No,' said the prisoner, 'I do not; but if you think so, you can proceed. But as for *arms*, I never carry any; and as for *money*, I don't think it safe to carry much *these times*.' After careful examination, without finding any money or arms, he was placed upon a horse, and, under guard of twelve armed men, was taken most of the way through woods and by-ways to Shelbyville, where he was kept under guard from Saturday night till the ensuing Monday morning, during which time he was strongly solicited to give bond and return home. But he declined, saying, 'If he went home he would go to preaching again, and would ultimately be sent to jail, and had better go now while on the way.' He was then sent, in the keeping of this same constable, to Palmyra, Marion county, Missouri, and delivered into the hands of the sheriff of Marion county, who urged the prisoner to give bond, as 'he had no place for him in the prison except with horse thieves and desperadoes, with whom he did not want to put him.' He declined, and was thrust into prison, where he remained all night without bed or blanket. Next morning, through the kind professional services of Colonel Lipscomb, attorney at law,

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the papers in the prisoner's case being found *illegal*, he was discharged and permitted to return home.

"I communicate these facts as I received them from the prisoner himself, about one month after his release, at a meeting which we held together at the place of his arrest. I do this because I fear he may not have seen your call and because these items of history are too important to be overlooked. Brother Winn is a man who stands high in the esteem of that community and in the affections of his brethren. If he should report his own case, you will, of course, take his and suppress mine.

"I am, fraternally,

"JESSE FAUBION.

"MONROE CITY, MO., March 16, 1869."

In this case of Mr. Winn another instance of the relentless spirit of those who were zealous in the execution of this new law is furnished, and we can not escape the conviction that some men seized the opportunities furnished by the new Constitution to gratify personal malice and obtain a mean revenge.

ELDER L. M. MAHANEY.

"*Trials of Elder L. M. Mahaney for preaching the Gospel without taking the Iron Clad Oath.*

"The first bill of indictment was found at the spring term of the Franklin county Circuit Court, 1866. Col. David Murphy was State's Attorney, who refused to prosecute the case. Judge Owens appointed Mr. Pugh in his stead, who prepared the bill of indictment and prosecuted the same. The sheriff of said county, Wilhelm, refused to serve the writ, but procured the ser-

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vices of Wm. Kelso, who attended a protracted meeting, conducted by myself, embracing the fourth Sabbath of August, 1866. The said Wm. Kelso was in attendance for three days, after which he asked me to take a walk with him. After some conversation upon the interest of the meeting, he remarked that he had a writ against me for preaching without taking the oath. I remarked that I would be compelled to close the meeting. He said, no; he had a bond of $500 ready for me to sign. W. E. Williams and J. Greenstead insisted on my giving bond, they going my security, to appear at the fall term of said Court. When the case came up J. Edward Belch voluntarily defended me, taking a change of venue to Jefferson county, the case coming up at the May term, 1867.

"The decision of the Supreme Court in the Cummings' case having become public before that time, I failed to attend. The Judge, at said term, ordered a citation for my securities. I attended at the October term, and J. L. Thomas defended me, free of charge. It only cost me four dollars, besides expenses.

"SECOND CASE.

"A. P. Cowan, Justice of the Peace for the county of Gasconade, State of Missouri, issued a warrant against me on the 10th of May, 1866, which was served by W. C. Morgan on said day at my residence, and ordered me to appear before the Justice immediately. My promise only was given, and I did appear the next day. I called for the papers in the case; said Justice informed me there were no papers with him except the writ. I asked if there was not an affidavit filed upon which the warrant was issued. He answered there was not. I

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asked if he was personally knowing to my having violated the laws of Missouri. He said not. I then asked for a non-suit. Jonathan Rook was appointed State's Attorney, who stated that preaching the Gospel without taking the oath was as much a violation of law as horse stealing, and the violator should be punished as severely as a thief. My answer was, that I expected nothing better from a man who was once a pretended preacher, afterward a grocery keeper, and recently a pettifogger and an infidel. I again asked for a non-suit. After some debate, A. P. Cowan, J. P., informed me that I would have to give bond in the sum of one thousand dollars, which I gave, for my appearance at the Circuit Court of Gasconade county. In October, 1866, I attended court. I gave myself up to the sheriff, Wm. Berger, who informed me he had nothing against me; I might go home. My case was then stated, by attorney, to Judge Owens, who told me to go home and stay till they sent for me. In February or March, 1867, the sheriff, Wm. Berger, called on me for a bond which I did not give. He called on me the second time; I still refused. He stated he would not take me, but requested me to ask D. Q. Gale, the State's Attorney, what he should do in the premises. The Circuit or State's Attorney wrote to him not to arrest any ministers or lawyers.

"L. M. MAHANEY."

REV. J. C. WILLIAMS.

This good and useful minister and member of the St. Louis Conference, M. E. Church, South, was arrested by ruffians, with pistols in their hands, in the midst of his duties as a teacher, dragged from the school-

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house and taken to Potosi, Jefferson county, under an indictment for preaching. After giving bond for his appearance at court he went on preaching the Gospel of the grace of God to dying men, and was again indicted, arrested and put under bonds.

REV. H. M. LONG.

This good man and faithful minister, also of the M. E. Church, South, was indicted, arrested and put under bonds for the same offense against the peace and dignity of the State. He was often in imminent danger of mob violence at the hands of those whom he calls "Loyal Leaguers," who made two descents upon the village in which he lived, well armed and with hostile intent. "But soon," says he, "and before our trials came off, the decision of the Court was had, which released us from fine and imprisonment. For this we felt very grateful to the Supreme Court of the United States, but more especially to our Heavenly Father."

REV. WILLIS E. DOCKERY.

This faithful servant of God and prominent member of the Missouri Conference, M. E. Church, South, did not escape the hand of the persecutors. He was traveling the Chillicothe District, and was at various places in his district threatened with mob violence by the self-constituted executors of the law. But he faltered not nor hesitated in the presence of duty or danger. In the fall of 1866 he was indicted by the grand jury for Lewis county, and arrested by James A. Neal, sheriff of the county, and required to give bond in the sum of $1,000 for his appearance at Court. At the following

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spring term of the same Court he was again indicted. Judge R. E. Debolt presided in the Court, and continued the cases from time to time until the decision of the U. S. Supreme Court, when they were dismissed.

REV. W. M. NEWLAND.

The Canton (Mo.) *Press*, of Oct. 7, 1865, contained the following:

"ARRESTED.—We learn from a communication in the Palmyra *Spectator* that Rev. Mr. Newland, Presiding Elder of the District, was arrested at Newark on Sunday, the 2d instant, at the close of sacramental service, and held to answer at the ensuing term of the Circuit Court in Knox county for exercising the functions of his sacred office without having first taken and filed the oath of loyalty. The arrest appears to have been made at the instigation of a son of a Presbyterian Elder at that place, whose name is not given in the communication referred to."

The following article, taken from the *St. Louis Christian Advocate*, of Feb. 1, 1866, will furnish an index to the true state of things in Missouri at the time; and this is only a fair sample of what occurred, and then appeared, each week:

"FROM MISSOURI.

"Persecutions still rage against our preachers in parts of this State, and it is hoped and believed that they may justly claim the promise, 'Blessed are they which are persecuted for righteousness sake!' A Sabbath or two ago one of our most faithful and exemplary men was arrested while in the pulpit; the solemn services

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of the holy day in the house of God were abruptly broken up; the preacher hastened off to trial, and there required to give bond, with security, in the sum of *fifteen hundred* dollars for his appearance at Court.

"This thing of serving civil processes on the Sabbath is rather new; but nothing of that kind should be thought *strange* in this country at the present. When hearing of such things how forcibly comes to the mind the words of the Holy Psalmist, 'Why do the heathen rage, and the people imagine a vain thing? The kings of the earth set themselves, and the rulers take counsel together against the Lord and against his anointed, saying, let us break their bands asunder, and cast away their cords from us. He that sitteth in the heavens shall laugh; the Lord shall have them in derision.'

"There, brethren, all of you, read that; ponder it well, and then, uncomplainingly, unmurmuringly, patiently and *joyfully* trust in God. If God will that any or all of us should go to prison or to death, it will be *best* for us, and *in our hearts*, as well as with our lips, we should say: 'Thy will be done.' Let 'the *fearful* and the unbelieving,' the time-serving and the truckling, do as they may, be sure ye give not to another the honor that belongs to God alone.

"Perhaps there be those in other States who wonder why the preachers of the M. E. Church, South, and the Catholics are so violently persecuted in this State, and ask, what have they done? Well, for the information of such, be it known: these men *are not* thieves, to steal church property or any other property; they *are not* robbers; they *are not* seditious persons; they *are not* stirrers up of strife; they *are not* even 'busy-bodies in

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other men's matters;' but *they are* quiet, orderly, inoffensive men, whose only crime (?) is that they will persist in preaching the Gospel and exercising the regular functions of their ministry without first subscribing to and filing an oath which transfers to Cæsar the things which belong to God; or, in other words, an oath which transfers the supreme authority and headship of the Church *from* Christ, the ever-blessed Savior, to the State of Missouri, or rather to a faction *in* the State of Missouri. That is all; and the ministers can well afford to suffer in such a cause."

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CHAPTER XVII.

THE BAPTIST CHURCH—REV. A. P. WILLIAMS, D. D., REV. JAMES E. HUGHES AND REV. JOHN H. PRICE.

The Baptist Church—History—Division in 1845—Slavery Question—The War—Division in this State—"Loyal Convention" at Hannibal—Kansas City and Jefferson City—Rev. *A. P. Williams, D. D.*—"The Great Baptist Standard Bearer of Missouri"—Extracts from his Journal—General Association Arrested—Dr. Williams Indicted—*Rev. James E. Hughes*—His Life, Labors, Trials, and Indictment—Transcript from Court Records—*Rev John H. Price*—Character and Labors—Mobbed at Third Fork Church, De Kalb county, while Preaching—Two of the Mob Killed—A Bloody Scene—Visited by another Mob at Midnight and Dragged from his Bed and Home to the Brush, Stripped, Gagged, Beat with Pistols, and Whipped nearly to Death for Preaching the Gospel without Taking the Oath.

THE BAPTIST CHURCH.

The Baptist Church claims a venerable history; and, indeed, some Churches in America hold the doctrine of Apostolic succession.

They do not date their origin in this country with Roger Williams, of Rhode Island, who was an irregular Baptist, but with Obadiah Holmes, of New Hampshire, who was whipped at the cart-tail through the streets of Boston for preaching the liberty of conscience, or "soul liberty," to the bigoted Puritans.

They claim a common history with the Huguenots, who settled in Virginia and South Carolina, and a pre-eminence in the vindication of religious liberty, both in

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this country and in Europe. Their history is written in the bloody records of Martyrdom, and may be read in the sufferings of the Pueri, the Savoy, the Waldenses, the Albigenses, the Vaudois and the Huguenots. True Baptists have always opposed the union of Church and State, and believed that such union invariably produced both civil and ecclesiastical corruption. They have maintained, under great sufferings, the purity of the Church and her divine authority against all the encroachments of the secular power, under whatever disguise, and it is a favorite dogma that the spirit of persecution is an evidence of a corrupt and a spurious Church.

The history of the Baptist Church in the United States was marked by a complete division and separation in 1845. The old controversy over the institution of slavery was the occasion of the division, and the exciting history of the Methodist Episcopal Church of the United States upon this subject was repeated as far as it could be done without the compact and dependent connectional system of the Methodists.

After this separation each section organized separate and distinct boards, societies and other connectional agencies to carry forward the missionary work of the Church.

Unlike the Methodists, the two Baptist organizations have each recognized the validity of the plan and conditions of the separation, and have treated each other as two distinct and different sorts of people, ecclesiastically. The principles upon which they separated they considered vital and permanent, and in all subsequent controversies these principles have been used as moral

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and ecclesiastical pivots upon which all questions have turned. The great debate between Dr. Francis Wayland, President of Brown University, Rhode Island, and Dr. Richard Fuller, of Beaufort, South Carolina, on the "sinfulness of slavery *per se*," settled nothing, but only confirmed both sections and precipitated the division of 1845.

The Northern Baptists, controlled by their leading ministers and scholars, began a system of persecution and intolerance toward their Southern brethren, in which they became as fanatical and unscrupulous as the Northern Methodists, if they did not coalesce and confederate with them in their unrighteous crusade upon the South.

"They joined hands in full fellowship with the Northern Methodist Church, and made common cause with them against the people and institutions of the South." They soon corrupted the masses of the Northern Baptists, and succeeded in thoroughly indoctrinating the Church in abolition fanaticism. The only Northern Baptists not thoroughly abolitionized into corrupt political partisans, were a few Churches in Ohio, Indiana, and Southern Illinois. They stoutly resisted the political encroachments and corrupting influences of the Northern fanatics, and still do so up to this good day.

To secularize the Church, abolitionize society, and commit the Church to the most reckless crusade upon the people and institutions of the South was the purpose of the abolition fanatics; and the extinction of all spiritual life and the martyrdom of every revealed principle of the true kingdom of Christ was not too dear a price to pay.

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The true Baptists in Missouri and in the South resisted their purpose and suffered for their temerity, like the Southern Methodists suffered; but it is a glorious record of suffering and an imperishable heritage of blood.

The civil war came, and the history is told. Northern Baptists, like Northern Methodists, seemed to glory in the occasion it furnished to oppress and persecute their Southern brethren. They sang, and prayed, and preached, and wrote, and from pulpit, platform and press, hounded on the "dogs of war," and then demanded as a consideration a division of the spoils. The celebrated "Stanton-Ames Order" from the War Department was duplicated for the Baptists, and Mr. Stanton, whom the Northern Methodist papers invidiously distinguish as the great "war minister," issued an order from the War Department, bearing date of Jan. 14, 1864, to the "American Baptist Home Mission Society of New York," authorizing them to seize and possess themselves of all Baptist Churches in the South that were not served by loyal ministers. This order, and those who used it, stand in the same category of crime as the criminals of the "Stanton-Ames Order" noticed in Chapter 14, Vol. I. The degrees in crime may be graded by criminal law, but moral law knows no abstract distinctions.

The persecutions of Baptist ministers in Missouri during the late war and under the test oath of the new Constitution was only less than that of the Southern Methodists. In the Baptist pulpit of this State were some of the brightest lights of the Church, conspicuous amongst whom was the Rev. A. P. Williams, D.D., now

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of precious memory. This distinguished divine was born and raised in Missouri. Here he studied and toiled and suffered in his Master's vineyard, planting churches, baptizing converts and preaching the Gospel to the poor. A Southern man in his sympathies, true to the Baptist standards, and of uncompromising integrity, he was the recognized champion of the Baptists of Missouri. He was, indeed, a Prince in Israel; and though intensely opposed to all Northern aggression and all the forms of political and ecclesiastical corruption that emanated from Northern fanatics, yet he was recognized and characterized by them as the "Great Baptist Standard-Bearer of Missouri." He was the first vice-president of the Southern Baptist Convention, held at Memphis, Tenn., in 1867, and whether presiding over that body or engaged in its grave deliberations, he was a recognized standard-bearer of the Church.

This good and great man left a faithful testimony against the proscriptions and persecutions of ministers of the Gospel in Missouri.

The following extracts from the unpublished journal of Dr. Williams will reflect some of the strong points in his character, and indicate his real sentiments upon some of the vital questions forced upon the Church during the dark days of her persecution, for which the reader will thank his estimable but bereaved widow. In his journal for August, 1862, he says:

"I now proceed to record an event which ought to make every American ear tingle. While our General Association was in session at Rehobath, Saline county, Mo., July 27th—Lord's day—a company of Federal troops surrounded the meeting-house and compelled

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every man, without exception, to march out into the prairie adjoining, and then ordered them to separate into three companies—First, The Union men to form a line by themselves; second, such Southern men as had taken the oath and given bond, to form a line by themselves; and, third, all who had not taken the oath, to form a line by themselves. They then arrested all the latter, marching some of them off to Marshall (fifteen miles distant) to the provost-marshal's office, and paroling the rest to report during the week.

"Now, it strikes me that when a Christian denomination can not be allowed to meet in association to devise means to spread the Gospel of the grace of God without being arrested by Federal troops, and especially on the Lord's day, religious liberty *is gone.* But there is still a worse feature about this affair—*there were Baptists among the troops!* Did not angels weep when they witnessed such a spectacle? Baptists assisting in arresting their own brethren when assembled in General Association doing the work of the Lord! The Judgment! O the Judgment day!"

On the 4th of August of the same year Dr. Williams makes the following entry: "To-day I reported to the provost-marshal at Marshall, and, notwithstanding he had no charges against me excepting that I am a Southern man in sympathy and feeling, I was compelled to take what is called an oath of allegiance, not only to support the Constitution of the United States, but also the *Government* thereof, and to give a bond of *three thousand dollars*, with two securities. What will future generations say when they read these facts? Such arbitrary tyranny and oppression and such reckless

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disregard of the *Constitutional rights* of unoffending citizens will most assuredly sink the nation that practices it. My appeal is to the God of the oppressed and wronged."

Passing over many instances of oppression, cruelty and murder recorded by this good man, and which would be of deep interest to his many friends, as well as to all lovers of religious liberty, the following bears more directly upon the purpose of this work:

"October 6, 1865.—On my way home from Warrensburg I called on Bro. Jonathan Gott, a Baptist minister, and we had a free talk about our new Constitution. I told him that it seemed to me the object of the framers and supporters of that instrument was to rid the country of all ministers who had the least Southern sympathy, that they might fill it with *Northern abolition political preachers.* He said he thought that every minister who could not take the oath *ought* to leave the State. I told him that as for myself I could not think of it, because here I was born, and here, from my early youth, I had labored to build up and promote the cause of Christ; that I had planted many churches; that I had baptized parents and their children, and that all my affections were too much interwoven with society here to think about leaving. 'Besides,' said I, 'Bro. Gott, do you think that the churches to whom I preach would, if thus deprived of my ministry, accept such substitutes as you propose?' After a pause he said, 'I reckon not.' 'No, sir,' said I, 'you *know* they would not.'

"October 22, 1865.—Lord's day, I preached to a large and attentive congregation, from Heb. iv, 9. The audi-

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ence appeared quite solemn, as they attentively listened to the word. Hope good will follow. I thank God that I have such a sense of divine approval while I am preaching at the risk of fine and imprisonment."

"Nov. 28.—I am this day compelled to record what I never expected to have to record, and what grieves me to record: *I have been to-day arrested by the sheriff of this* (Saline) *county, under indictment for preaching the Gospel of the grace of God to the churches and to sinners without filing an obnoxious oath!* O my native State! Art thou to be disgraced by becoming a land of religious persecution! God forbid!"

Dr. Williams was regularly indicted by the grand jury for the body of Saline county, and the indictment was made out by Horace B. Johnson, circuit attorney. The case went on the docket of the Circuit Court like hundreds of others.

The Baptists were divided in this State, and for a time had two organizations. In the fall of 1865 a "loyal Baptist Convention" met in Hannibal, Mo., composed of about a dozen ministers. They resolved to co-operate with the "Home Mission Society of New York," and proposed, through the Rev. J. V. Schofield, of St. Louis, to enter into and take possession of all the churches of the State. When they met again, in Kansas City, September 28, 1866, they found much of the work of seizing churches yet to do, and they called for *lay* preachers to turn in and help them. The "executive committee" of that body said in their report:

"Great is the religious destitution in our State. The 750 Baptist churches and the 45,000 Baptists in this State were never adequately provided with preachers. Now

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the case is much worse, since a disability or a disinclination to take the Constitution oath has emptied so many pulpits. How shall the deficiency be supplied? Your committee, aided and seconded by the 'Home Mission Society,' is supplying these churches with ordained ministers as fast and as far as the funds will allow." . . . . "Brethren, we must put our shoulders to the wheel, we can not lie supinely and leave the 'Home Mission Society' to do all the work. Already that Society feels that we are not doing all we ought.

"In behalf of the Committee,

"D. J. HANCOCK, Chairman."

The General Convention for 1867 met at Jefferson City in October. The "test oath" of the new Constitution having been set aside, the Convention changed its policy, and ordained three things as indispensable prerequisites to membership in order to co-operation with the Baptist General Association of Missouri:

"1. A continuance of their auxiliary relation to the 'American Baptist Home Mission Society,' in order to secure their sympathy and aid in our work in this State.

"2. A continuance of the Board in St. Louis, as the most proper and effective base of operations.

"3. A clear recognition of the Baptist doctrine, that all Baptists, without reference to race or color, have an equal right to a participation in our councils, immunities and privileges."

This put the Baptists of Missouri in a condition to be sold out to the Northern Baptists, and henceforth to be subject to the behests of the Board of Home Missions of New York; and now the institutions and organs of

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the Church in Missouri are in the hands of the *political* Baptists of the State, while the *true* Baptists are deprived of their rightful heritage and denied the blessings of Christian fellowship.

The history of the Baptist Church in Missouri is a strange history, and one that will present a rare chapter of wrong and outrage upon the time-honored and heaven-favored principles of the Church, for which northern fanatics are responsible.

The foregoing facts have been furnished by a well informed and reputable member and minister of the Baptist Church in this State, with much more that can not find room at this stage of this work.

The whole denomination has suffered a heavy loss in the untimely and sudden death of Rev. Dr. A. P. Williams, the "Baptist Standard-Bearer of Missouri." The last and the ablest work of Dr. Williams was a paper, prepared at the request of the General Association of Missouri, on the "test oath" of the new Constitution. This paper has recently been issued from the press; and but for the fact that it has been copy-righted and is being sold for the benefit of his widow, much of its severe analysis of that instrument, and many of its cogent reasons why ministers could not take "the said oath," would be transferred to these pages. Dr. Williams sleeps under the sod of his native State, but his works do follow him. His name is sacredly enshrined in thousands of hearts, and will ever be to his bereaved Church "like ointment poured forth." He will live in history "where he has turned many to righteousness," and "shine as the stars forever and ever," where per-

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secutions never come and "test oaths" are never required.

The truth of history required this bird's eye view of the acts and doings of the super-loyal Baptists of this State, who, like their Northern Methodist confederates in oppression and crime, are now calling lovingly but lustily for the mantle of charity to cover the dead past. But charity has no mantle for crime; and the past is not dead, but alive and active in the principles for which the good and the pure suffered martyrdom.

"Times change, and men often change with them; but principles, never."

REV. JAMES E. HUGHES.

Amongst the many Baptist ministers persecuted during the time the new Constitution was in force was the Rev. J. E. Hughes, of Clinton county. He is a native Missourian; was educated at Fayette, Howard county, Missouri, and at Georgetown College, Kentucky, at which latter place he graduated in 1852. He spent one year at the Baptist Theological Seminary at Covington, Kentucky. He was ordained a minister of the Gospel in the fall of 1853, by Rev. Noah Flood and S. C. Harris, and at once accepted a call to the Richland Baptist Church in Callaway county. In the fall of 1855 he moved to Plattsburg, Clinton county, where he remained in enlarged and undisturbed ministerial usefulness until the war broke out in 1861. Of this period he writes: "I had no connection with the war during its whole continuance but as school commissioner and as a minister of Christ. I labored to correct and improve the system of common school education in the

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county on the one hand, and to ameliorate the spiritual condition of those with whom I associated on the other, until intercepted by a military despotism, whose mercenary ends were accomplished by a brutal soldiery. I opposed the war because war is an evil *per se*, and also because the germ that produced this war was hatched in the brains of the politico-religious fanatics of the North, who denounced the Constitution of the United States as a league with hell and a covenant with the devil.

"Again, I was not in favor of secession '*per se*;' I doubted its constitutionality. The Constitution was declared to be the supreme law of the land; and I felt proud of the government of Washington, of its Constitution, of its laws and institutions, and felt then, as I now feel, that whenever the Constitution is amended or changed in any way for political ends it will become less glorious as a *magna charta* and less effectual in subserving the wants of a great nation.

"During the war I was a loyal man, and was so considered by all except those driven to madness in the war or those hyper-radicals who stood aloof from the fields of carnage and sung their joyful peans over the death of the old Constitution and the inauguration of the new order of things.

"I made one or two public speeches at the breaking out of the war, in which I expressed myself passionately fond of the Union as it came from the hands of our fathers, and also expressed my determination to stand by the Constitution and oppose all changes or amendments coming from either north or south.

"Although totally opposed to the Lincoln administra-

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tion and its innovations, I made it a point as a loyal man to obey all orders, rules, edicts, &c., of the Lincoln government so long as my religious rights were not intercepted. Nor was it until the new Constitution was formed by arbitrary military rule and all the principles of free government disregarded that I came in contact with the civil authorities of the State.

"This Constitution required that the ministers of the Gospel in the State, before entering upon the duties of their office, should lay down their ordination papers, which they had received from the Presbytery of the Church of God, and apply to the *courts for political ordination papers,* by virtue of which they might preach the Gospel of the Son of God. Also, they were required to take and subscribe to an oath which was both humiliating and dishonorable to an American citizen; the prime object of which, doubless, was to drive out of the State, by torture, all southern and conservative ministers, and make the State, in its religious and political complexion, to use the language of one of their senators, 'more homo (negro) geneous.'

"I refused to obey, and denounced the demand as an infringement upon the rights of conscience. In my preaching I defined my position, and from Matt. 22, 21 as a text, I explained fully the reason why I could not comply with the demand of the new Constitution and also the proclamation of Governor Fletcher, who left his high office and became an itinerant stump orator of the fanatical whine, stumping the State, issuing his pious bulls, threatning every minister in the State with fire and brimstone or with imprisonment in the penitentiary of the State, which was about the same, who

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should offer to preach the Gospel of Christ without first having taken this infamous test oath at or before the time mentioned in his most royal proclamation.

"I preached to the people that the Constitution of the United States prohibited all interference in matters of conscience; that this test oath was an interference with the rights of conscience. I also persuaded my brethren of the ministry not to take the test oath as a qualification to preach; that by so doing they acknowledged the supremacy of Cæsar's government over that of our Lord's, and made the latter subservient to the former; that God's ministers had always refused to obey the edicts of kings or the laws of human governments when the rights of conscience were to be violated; that when King Darius commanded Daniel not to offer up prayer to his God for thirty days, Daniel wholly disregarded his edict; and when Peter and John were commanded not to preach in the name of Jesus Christ, they said, 'whether it be right in the sight of God to hearken unto you more than unto God, judge ye.'

"The friends of the test oath generally acknowledged the correctness of my position, but said the law required that I should take the oath, and, therefore, as a loyal man, I ought to do so. I responded that the same reasoning was presented to Daniel, to Peter and John, and to all the people of God in every age by the enemies of righteousness.

"At this period of my ministerial life, and in January, of the year 1866, I was arrested and tried for preaching the Gospel of Christ.

"Below is a true and official transcript of the proceedings against me, furnished by Colonel William L.

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Birney, clerk of the circuit court of Clinton county, Missouri."

Only so much of this transcript is given here as will furnish the reader a sample of the civil processes against ministers in the courts of Missouri. Hundreds of similar cases are on the court records of this State, to remain as a part of the strange history of the times.

The author is in possession of a mass of similar matter from the court records of this State sufficient to fill a good sized volume of itself, from which he can only select such samples as may be necessary to present all the peculiar phases of these civil processes against ministers of the Gospel. What a remarkable study for the lawyer, the philospher, the jurist, the statesman, the politician, the Christian, the *American* and the student of eclesiastical history these judicial records furnish.

"*A Transcript of the papers in the Cause of the State of Missouri vs. Jas. E. Hughes.*

"STATE OF MISSOURI, } ss.
COUNTY OF CLINTON. }

"Before me, Francis D. Phillips, a Justice of the Peace for said County, personally came Henry C. Poe, who being duly sworn according to law, deposeth and saith, that on or about the twenty-eighth day of January, 1866, in the County of Clinton, one James E. Hughes did preach, officiating as a clergyman in violation of law, by not having first taken, subscribed and filed the oath of loyalty, as required by law. And this deponent doth verily believe that the said James E. Hughes is guilty of the fact charged, and further this deponent saith not.

"(Signed) HENRY C. POE.

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"Sworn to and subscribed before me, in the County aforesaid, this seventh day of February, 1866.

"(Signed) FRANCIS D. PHILLIPS, Justice of the Peace.

"The above and foregoing is a true and correct copy of the affidavit filed before the Justice of the Peace in the Cause of the State *vs.* James E. Hughes.

"(Attest) WM. LEONARD BIRNEY, Clerk.

"STATE OF MISSOURI, } ss.
COUNTY OF CLINTON. }

"*To the Sheriff or any Constable of said County, Greeting:*

"Whereas, complaint has been made before me, one of the Justices of the Peace in and for said County of Clinton, upon the oath of Henry C. Poe, that one James E. Hughes, late of the County of Clinton aforesaid, did, on or about the twenty-eighth day of January, 1866, at the County of Clinton, preach, officiating as a clergyman, in violation of law, by not having first taken, subscribed and filed the oath of loyalty, as required by law. These are, therefore, to command you to take the said James E. Hughes, if he be found in your County, and him safely keep, so that you have his body forthwith before me, or some other Justice of the Peace in said County of Clinton, to answer the said complaint, and to be further dealt with according to law.

"Given under my hand and seal, this seventh day of January, 1866.

[Seal.] "FRANCIS D. PHILLIPS, Justice of the Peace.

"The above and foregoing is a true and correct copy of the warrant issued by the Justice of the Peace, on the affidavit made and filed before him as aforesaid, as the same is on file in my office.

"(Attest) WM LEONARD BIRNEY, Clerk.

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"STATE OF MISSOURI, } ss.
COUNTY OF CLINTON. }

"*State of Missouri vs. James E. Hughes.*

"On this seventh day of February, A. D. 1866, before the undersigned, a Justice of the Peace within and for said County, came Henry C. Poe, and filed his statement, under oath, that James E. Hughes, of said County, on the 28th day of January, 1866, at the County of Clinton aforesaid, did preach, officiating as a clergyman, without first having taken the oath required by law, and in violation thereof.

"Writ issued on the 10th day of February, 1866, returnable forthwith, and placed in the hands of George Funkhouser, Sheriff of said County.

"Subpœna issued this 10th day of February, A. D. 1866, for James M. Riley and Henry C. Poe, witnesses on the part of the State.

"And now, on this 10th day of February, 1866, the said writ is returned by the Sheriff, served, by producing the body of the said James E. Hughes. And the said defendant answers ready for trial, and in open Court admits that the facts charged in said statement, filed as aforesaid, are true.

"Whereupon the Justice orders that the said James E. Hughes give bond in the sum of $1,000 for his appearance at the next term of the Circuit Court to be holden for said county of Clinton, on the ninth day of April next, and not to depart the same without leave of said Court.

"And the said James E. Hughes gives bond, as required by the Justice, with James H. Birch, jr., and Brazleton A. Jones as his securities, which said bond is approved and certified.

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"STATE OF MISSOURI, } ss.
COUNTY OF CLINTON. }

"I, Francis D. Phillips, do certify the foregoing to be a true and complete transcript from the entries on my docket in the Cause of the State of Missouri vs. James E. Hughes, on the charge of officiating as a clergyman without first having taken the oath required by law, and in violation thereof. And all the papers before me are attached hereto and herewith returned.

"Given under my hand this 28th day of March, A. D. 1866.

"(Signed) FRANCIS D. PHILLIPS,
"Justice of the Peace.

"The above and foregoing is a true copy of the transcript of the Justice in the above-entitled cause, as certified and on file in my office.

"(Attest) WM. LEONARD BIRNEY, Clerk."

REV. JOHN H. PRICE.

One of the most shocking and diabolical outrages committed during all of these strange times was the mobbing, almost to murder, of the Rev. John H. Price, in DeKalb county, Missouri.

Mr. Price was a quiet, orderly, peaceable and useful minister of the Baptist Church. He was born and raised in Orange county, North Carolina, moved to Missouri in 1855, and settled in Clinton county. He was converted to God under the ministry of Rev. A. P. Williams, and in 1857 entered the ministry of the United or Missionary Baptist Church, with which people he is still identified.

He took no part in the war, believing, as he writes,

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that the weapons of his warfare were not carnal, and that God had not called him to fight, but to preach the Gospel of peace. Of his trials he writes as follows:

"It was not long, however, until a company of men, in the garb of soldiers, under command of one Captain Thompson, then stationed at the Platte river bridge, made a raid through our settlement, arresting every man they came across. When they came to my house I told them I was a minister and did not wish to have any thing to do with the war. They then swore that they intended to make me have something to do with it, and carried me to their headquarters at the bridge, and kept me confined for eight days, compelling me to perform hard labor a part of the time. This was in July, 1862. After this I was not troubled any more until after the enactment of the test oath. In the meantime I left Clinton county and moved to DeKalb county, where I purchased a small farm and was living in peace. Feeling it to be my duty to warn men to flee from the wrath to come and prepare to meet God in peace, I continued to do so regardless of the oath or the authority of those who attempted to interfere between my conscience and my Maker. I was careful all the while to preach Christ crucified, the Way, the Truth and the Life, saying nothing about politics, for that was not my work or business. My radical friends finding this out, and wanting a pretext to work on, they resolved to stop me from preaching or kill me, one or the other. At length they prepared themselves and came to my appointment on Sunday for that purpose. The result was that two of their number were killed. They resolved, however, to be avenged on me. In the mean-

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while I was arrested, with a writ in the hands of the sheriff, and carried without my consent to the county seat, and there compelled to file a bond of a thousand dollars, all for daring to preach the Gospel contrary to the command of Cæsar, or Mr. Drake. This I had to do or go to jail. But they were not satisfied yet, and resolved on further punishment. At length they raised a mob and came to my house at one o'clock at night, dragged me from my bed, and by force carried me to the brush, at the same time tearing off what clothes they had permitted me to put on. My back being naked, they broke limbs from the nearest tree and marked my back from my shoulders down. After beating me on my head and side severely with their pistols, from which I did not recover for months, they released me only upon condition that I would agree to leave the county in three days, which I did, but had to be hauled in a wagon. I was then compelled to dispose of my effects in DeKalb county at a loss and leave in order to save my life. These things took place in July and August of the year 1866, and all for no other crime than preaching the Gospel to perishing sinners, for I resolved from the first to have nothing to do with the war in any shape or form, which resolution I have carried out to the letter even to this day.

"It was somewhat amusing to see the turn their counsel took in the case of my trial before the court for preaching the Gospel. They would not say 'Gospel,' but, 'for preaching from the Bible without taking the oath.' This was a kind of mock trial gone through with, in which I was bound over in the one thousand dollar bond to keep out of jail."

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Rev. Mr. Price had been preaching regularly to the Third Fork Church in DeKalb county and to the Bethel Church in Andrew county. Upon inquiry as to the place where he was mobbed and the names of the outlaws, he says: "The place where the mob occurred in which two men were killed was the Third Fork Church. The leaders of the mob were Pope and Medcalf, who were both killed. The names of the men who came to my house at night I did not learn. They were of the lowest order of the radicals, the very scum of the earth, and, as I learn, have all been dispersed to the four winds. The name of the justice of the peace before whom I was tried I can not now remember. The sheriff who arrested me was William Ayers. The lawyer who appeared against me was William Moore, of Stewartsville, who ought to be covered with infamy, as he had long been acquainted with me and knew my standing. Mr. Perkins, a Union man, went on my bond.

"The mob came to my house about the last of August, 1866. I do not remember the day. After waking me, they called for me to come out. This I refused to do. They declared that they would burn my house if I did not. I then lighted a candle, when three or four of them came in, seized me, dragged me out by force and carried me to the brush, stating at the same time that I was a rebel, and had been the cause of two of their men being killed, and if I did not leave the country in three days they would kill me certain. After having nearly killed me, they suffered me to return to my house.

"Mark this! I had been tried before a justice's court and bound over to appear at the next term of the Cir-

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cuit Court, at which time the grand jury found no bill of indictment against me. This so exasperated the enemies of all righteousness that they swore vengeance against me. This was Judge Herens' court, and no man seemed more hurt over the refusal of the grand jury to indict me than the circuit attorney, I. C. Parker, of St. Joseph, a man whom you know. Old Henry Vories, of St. Joseph, was my attorney before this court. All he had to do was to mention the case, and the judge released me from my bond, to the great mortification of my enemies and the friends of Mr. Drake's usurpation and tyranny.

"There are some strange circumstances connected with the mob that came to my appointment. The young man Pope, who was made the leader of the mob, lived in Arizonia, Andrew county, thirty miles distant; the son of a widow. The mob was raised by some low flung radicals in the neighborhood, who said that no man should preach in that Church or any where in that neighborhood who would not take the oath, and Pope was persuaded to join them. He was made their leader and spokesman. The radicals told them to break up the meeting and drive me away and they would foot the bill. But as it turned out, it was a hard bill to foot, for two of them lost their lives.

"When the mob reached the Church I was preaching, and they formed in double file outside and then marched in and up the aisle near to where I stood. They halted, and Pope, who was in the lead, ordered me to stop preaching. I reasoned mildly with him upon the impropriety of their course. He replied that he would risk the consequences. I told them solemnly that they

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would all have to answer at the judgment seat of Christ, then dismissed the congregation and went off home. In less than twenty minutes Pope was lying a corpse on the very spot where he stood when he ordered me to stop preaching. He was shot outside of the house, and never spoke afterward. He was carried in by his comrades and laid beside Medcalf, who was killed at the same time. I was not present, but was told that the house looked more like a slaughter pen than a Church.

"I feel clear in all this matter, as I plead with those young men that day to desist from their course, and told them that I was not preaching politics or treason, but the Gospel of peace. They told me that nobody should preach who would not take the oath. I could not learn the names of all the mob—only Pope, Medcalf, Dick Veal, and I think another Veal, two sons of the widow Ketchum and one son of the widow Hudson. The man who promised to foot the bill if they would break up the meeting was named Kinison. He has since left the country.

"After these difficulties the brethren were prevented from holding meetings at the Third Fork Church for several years. The first preacher who went there to preach was Elder Joseph Yates, a missionary Baptist from Illinois. A man by the name of Spangler pointed Elder Yates to the blood on the floor, and told him that more blood would be shed if he attempted to preach and organize the Church again.

"These are about all the facts that I can remember and all the names that I can learn.

"Your affectionate brother in the Gospel of Christ,

"JOHN H. PRICE."

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The following account of this horrible affair was furnished by a sister of the living martyr, written by a highly esteemed young minister of the Missouri Conference of the M. E. Church, South, and must close this chapter:

"Rev. John H. Price is a minister of the Missionary Baptist Church. He was born and raised in South Carolina; moved to Missouri at an early day, and settled in Clinton County; from thence, in the spring of 1866, moved to DeKalb county, and settled on the Little Third Fork of Platte River, where he was living at the time of his ill-treatment.

"He was assailed by a mob while preaching in July or August, 1866; ordered to stop, and driven from the pulpit. After he had left the Church and was gone, the mob and some of the congregation got into a fight, in which two of the former were killed.

"Some time in August or September following the mob came to his house, about one o'clock at night (about fifteen in number), and called to him to get up and come out. He refused. They then went in, made him get up and dragged him from the house, his wife the meanwhile begging them to spare his life, which they promised to do. They then placed a guard at the doors and windows of the house to prevent the inmates from escaping to raise the alarm, while they took him some distance from the house, beat him over the head with their revolvers, stripped him almost naked, gagged him, and then whipped him with hickory withes until they were satisfied. He was still able to speak, and they ordered him to leave the country within three days or they would kill him.

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"After sacrificing his farm and other property he was hauled away. He was unable to go about or to do anything for a long time after, he was so cruelly beaten. They told him that it was because he would not take the oath.

"Mr. Price is spoken of every where as a good man, a peaceable, orderly, quiet citizen, who never meddled with politics. In fact, I have always heard him spoken of in the very highest terms, as a man, a citizen and a minister."

Comment is under restraint in the presence of such facts, and exclamation finds expression only in the words, "How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth?"

The Rev. H. H. Hedgepeth, now of precious memory, the Rev. Jesse Bird and others, were mobbed in that part of the country, and had their churches closed against them by lawless ruffians, and for the very same reasons. In that part of the State more than any other "the *heathen* raged, and the people imagined a vain thing."

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CHAPTER XVIII.

REVS. W. A. TARWATER, S. W. BURGIN, GEO. W. ROBEY AND MANY OTHERS.

Rev. W. A. Tarwater—Arrested often and Bonded, but none of these Things moved Him—*Rev. S. W. Burgin* "in Perils Oft"—*Rev. Geo. W. Robey*—*Rev. Josiah McCary*—*Rev. W. S. Woodard*—A Singular Case—A Court Adjourned because Attorneys would not Prepare Bills of Indictment against Ministers—*Rev. Jas. Ragan, Rev. John A. Mumpower*—*Rev. J. S. Frasier*—*Rev. J. B. Christie*—*Rev A. H. Dean*—*Rev. L. F. Aspley*—*Elder Wm. C. Ligon*—*Elder Geo. P. Kinnard*—Martyred—*Rev. M. L. Eads*—Indictment against the Author and many Others.

REV. W. A. TARWATER.

Few men were called to suffer more under the pressure of the new Constitution than this humble, earnest, faithful and successful minister and member of the Missouri Conference of the M. E. Church, South. Arrested often in the very midst of his usefulness; taken from the very midst of revival scenes into the judgment halls; had before rulers and civil magistrates and put under bonds; yet, 'none of these things moved him,' for he 'counted not his life dear unto himself,' but rejoiced that he was counted worthy to suffer for the name of Christ. Mr. Tarwater is a splendid specimen of a Missouri preacher amid those dark scenes of trial and persecution, and it would defraud the public not to allow him to tell his own story in his own way:

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"Religious liberty in Missouri had come to an end, at least so far as the M. E. Church, South, in northeast Missouri was concerned. The convention oath of 1861 had been prescribed and administered; but the heaviest blow was struck by the Draconian Constitution, which would make every minister of the land subscribe to an oath as *the condition* of his continuing in the sacred office. I had made up my mind, on my knees, that I would not take it. For I would not have taken *any sort of oath* from *any civil authority* as *the condition* of my preaching.

"The circuit court of Lewis county, Missouri, was now in session. I received a message purporting to come from a county official, runing about thus: 'Sir, change the services of to-morrow into a prayer meeting, and thereby secure your liberty another six months.' I thought it would be rash not to comply, as there seemed to be a promise in it that I would not be interfered with until the following term of the Circuit Court. But such was not the case, as it was soon noised abroad that I should be chastised for not hearing and obeying the voice of men. We had a prayer meeting. It was a solemn occasion. The congregation never felt the force of civil prohibition as they then felt it. The Holy One was in the hearts of his people. I had already refused to perform the rights of matrimony, upon the generally received opinion that it was a civil contract. But feeling most solemnly convinced that no legislative enactment could invade the pulpit, I only refused to quit preaching. I was now waited on by a committee, whether self-constituted or sent by the 'Loyal League' I could not know, but so strong was my belief that the

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latter was true that I did not ask them. They informed me that I must 'leave the State, take the oath of loyalty, or quit preaching.' I replied, in substance, as follows: 'All my interests are in Missouri; my friends are here; it is the place of my nativity, and I feel like remaining, laboring and suffering with the Church in Missouri. As to the oath, I can not take that, for if I have any authority to preach, I received it from a Higher Court than any civil tribunal. I can not repudiate that authority and claim to be an ambassador of Christ, who said, 'Lo, I am with you always,' &c. Again, I have taken the oath of '61, which bound me not to take any oath of any legislature or convention which is in violation of the Constitution of the United States, and, with my present convictions, I can not take that oath without being a perjured man.'

"On leaving, they informed me that the men who framed and supported that instrument were the men who put down the rebellion, and that they would enforce that law to the end. I answered, 'The Lord being my helper, gentlemen, I shall *attempt* to preach next Sabbath in that Church,' pointing toward the Church house in Canton.

"It should be stated that I afterward stood by the dying bed of one of these men, who asked me to pray for him. I tried as best I could to do so. A short time before his death he expressed a degree of readiness, and said he had some comfort as he passed through the chilly waters of death. Holding me by the hand and looking me in the face he said, 'To be consistent, I have gone too far.'

"All the preachers in the county (not Radical) had

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quit preaching. I stood alone, but enjoyed great peace of mind. Indications of the divine presence were witnessed in almost every congregation. I fully believe the Lord sanctioned my course.

"A few Sabbaths came and went, and still I was at liberty. Other preachers reascended the pulpit and preached with a freshness and energy they had never known before. Many threats were made to mob me as a lawless man. I told them I did not regard myself lawless while I stood ready to suffer the penalty. Finding that I was not to be moved by threats, they determined upon my arrest. It was Monday morning. I had tried to preach twice in Monticello on the previous day. Rumors were afloat that I was to be arrested that day. I felt very much composed. Entering a workshop of a friend, the deputy sheriff came in after me. He read the summons. Placing myself under his protection, I was marched across the street to the court room of Justice Newland and introduced to the Court. The deputy who arrested me was one Wm. Cisler, a brother of the sheriff. The court room was crowded, as it was the first time a man had been arrested in that county for preaching the Gospel, and there was considerable excitement in the village.

"When asked if I was ready for trial, I replied that I was not, and asked for a change of venue. When the Justice asked why I wanted a change of venue, I replied that it was upon the ground that he (Justice Newland) was an *ex-Rebel* and a *perjured man*, and that I could not hope to get justice in such a court. At this he became exceedingly angry, but when I informed him that some of the best citizens of the county were now

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ready to make good the charge, he cooled down, and consulted a lawyer as to whether I had a right to take a change of venue.

"This same Justice Newland was in the beginning of the war a strong Southern sympathizer, and helped to outfit Col. Green's men for the Confederate service by shoeing their horses and making butcher knives with which to cut Yankee throats, and his only charge was, 'see that you make good use of them.' He afterward became loyal, and, like many others, wished to do some very loyal deed, that he might atone for his rebellion and elevate himself in Radical favor.

"The Court entered into a preliminary examination; called one witness; consulted one Mr. Rollins, who claimed to be a lawyer, went through the farce of an investigation, and bound me over in the sum of one thousand dollars for my appearance at the next term of the Circuit Court, upon which I was dismissed.

"Here the question arose, 'Had I bound myself not to preach?' No. I would have gone to jail before giving such a bond. So the following Sabbath I tried as best I could to preach Jesus and the resurrection, morning and evening. I was soon arrested again, held in custody a portion of the day, and acquitted for want of testimony. The man who complained and had me arrested would not appear as a witness in the case. So ashamed was he of the whole thing that he could not be found. A few weeks elapsed, when I was engaged in a very gracious revival of religion in the city of Canton. The sheriff, Cisler, came down to arrest me again. He said: 'Sir, I have come to arrest you again, as you will not take the oath of loyalty.' I was in a

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happy frame of mind, and, laying my hand on his shoulder, said, 'Sir, I am ready to go with you to Monticello, the gallows, the stake, or to prison, for the good Lord has done great things for me recently, and I am prepared for the worst; *but I can not take that oath.* I can not dare to have my commission renewed by a civil officer.' He hesitated a few moments and said, 'I forgot some of my papers and will not take you to-day.' This was noised abroad in the town of Canton, and some expressed their indignation toward the officer that would not perform his duty; whereupon the city authorities took it in hand, and the following morning Bro. James Penn and myself were arrested by Constable Wilson and brought before Justice Page, who bound each of us in a bond of five hundred dollars to appear at the ensuing term of the Circuit Court. We returned to the church and resumed the meeting, almost under the shadow of the Justice's office. The good work went on, and scores of souls were converted at that meeting. It was the most successful year of my ministry. By this time I began to be regarded generally among that class as a lawless man, a pestilent fellow, and should not be allowed to remain in that part of the country. Two or three unsuccessful attempts had been made to mob me out of the country. Providence so ordered it that there never was a violent hand laid on me. Those persons who seemed to be full of the spirit of mobocracy were encouraged by those in honorable positions. It is true there were some honorable exceptions to this rule, who were, while Radicals, opposed to such conduct. At the ensuing term of the Circuit Court a bill was found against me, the result of which

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has been furnished you by the legal gentlemen, Messrs. Hawkins, Anderson, Lipscomb, and others whose names I have forgotten, who volunteered to defend me. May the Lord keep us all humble and save us and them at last. W. A. TARWATER."

"STATE OF MISSOURI, Pl'f. } *Indictment*
vs. } *for*
WILLIAM A. TARWATER, Def. } *Preaching.*

"In the Circuit Court of Lewis county, Missouri, April Term, A. D. 1866.

"The defendant, by his attorney, moves the Court to quash the indictment herein found, and assigns the following reasons, to-wit:

"1st. Because the indictment is not authorized by the Constitution of the United States.

"2d. Because the indictment is not authorized by any law of Congress or of the United States.

"3d. Because the indictment is not authorized by the Constitution of the State of Missouri.

'4th. Because the indictment is not authorized by any act of the Legislature or law of the State of Missouri.

"5th. Because the indictment is not authorized by the common law of England.

"6th. Preaching is not an offense by the Constitution of the United States, or the laws of the United States.

"7th. Preaching is not an offense by any statute of the State.

"8th. Preaching is not an offense by the common law of England, in force in this or any other State.

"9th. There is no provision in any statute of this State to enforce the penalty in the Constitution, nor is

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there any provision in the Constitution to enforce its own penalty against preaching, &c.

"Therefore, the defendant prays the judgment of the Court upon the law and facts in the indictment.

"M. C. HAWKINS, Att'y for Tarwater."

"These are the names of the Grand Jury that found the indictment against Mr. Tarwater: Grand Jury for the April term of the Lewis Circuit Court 1866—Wallace Gravis, Francis Byres, Robert MaGee (not C. A. MaGee), A. G. Cave, John Marks, Solomon Glove, James Burnes, Lloyd Reese, Robert W. Nelson, Henry Snyder, J. D. Fulkerson, John Burmbaugh, Frank Green, J. D. Warner, Jno. K. McColm, John McKenzie."

REV. S. W. BURGIN.

This faithful man of God and minister of the M. E. Church, South, thus narrates his own sufferings and trials:

"BRO. PINCKARD:

"Only for the sake of our beloved Church in her just and reasonable request for incidents relating to the persecutions of her ministers would I write this brief sketch of our wrongs in Harrison county. Therefore you will please accept this as a true history of our persecutions here during the time of our late troubles, and pardon me for referring to myself as the chief sufferer in this part of our Lord's vineyard.

"Soon as the war commenced I seemed to be an object marked for destruction. Our preachers, W. C. Martin, G. C. Brown and Geo. N. Newton, sent on this work, all retired from the post of danger, leaving me to stem the torrent as best I could. Our people still

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desired preaching, and, yielding to their wishes, I kept up regular appointments at various places on our little Circuit. Meanwhile I was shunned, slighted, slandered, insulted and threatened.

"The rope, the bullet, confiscation, &c., were all nothing more than my due! I often looked for death or ill treatment by the road side or at the place of public worship. Flags waved over me while preaching, and many took pleasure in my reproach.

"A public school house was burnt to prevent my ministrations in that quarter. The Union League at Eagleville decreed my banishment, and an armed band brought me the unwelcome tidings, giving me only ten days to escape. The Provost-Marshal, H. T. Combs, refused to give me a hearing, and favored my exile. I trusted in God and was delivered from the destroyer. But the new Constitution came, crowned with the terrible "Oath of Loyalty," and as I could neither bow the knee to Baal nor render him honor, I must no longer preach Jesus and the resurrection. I resorted to prayer and class meetings. But *this* was too much, for the law forbade teaching, and, gathering strength and boldness from public mandate, an attempt was made for my indictment before the grand jury.

"Failing in this, effectual means were to be used in seizing and binding me at Snellesville and beating me with rods. I moved my appointment to another place. About this time I was reorganizing two classes of my torn and scattered members, and a prominent member of the M. E. Church told me that *this* was the occasion of the threatened treatment.

"But my cup of sorrow was not yet full. In May,

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1867, a time ever dark in memory's history, we attempted to hold a quarterly meeting in Snellesville, at a house reared by voluntary subscriptions from our members and others, for schools and other public services. A night or two preceding its commencement a party met there and decided that we should not hold the meeting at that place, which becoming known, we moved it to Brother Woodard's, in the immediate neighborhood. In this assembly were members of other denominations. Whereupon a plan was originated, doubtless, to break up our meeting—which had progressed finely on Saturday—by mobbing. Under the disguise of keeping order, a constable was employed with a writ, who arrested my son on Saturday night or Sunday morning before day, and was proceeding on his way to Snellesville to bind him to keep the peace, when an armed mob arose out of ambush, seized the prisoner, dragged him through the brush and swollen creek, tore off his clothes, beat and mangled him miserably, stamped him in the face, tarred him, and then left him lying on the ground. He had been a regular Confederate soldier, but was then a peaceable man, a member of our Church, and was quietly attending the meeting. They also struck my eldest son—a local preacher—across the face with a club, inflicting a deep scar and producing indistinctness of vision for life. Had Bro. W. M. Rush, our Presiding Elder, attended, he would probably have shared a similar or worse fate.

"I will here record another incident relating to that eminent servant of God, William Ketron: By request, he came up to give us a quarterly meeting at McCollum's school house. But services had hardly com-

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menced when an armed band came rushing up, took the old man out of the house, and, disregarding his loyal papers, hurried him off to Eagleville, where he was subjected to the form of a sham trial. Finding no fault in him, they released him, but compelled him to leave immediately for home, and, late in the evening, he came to my house, depressed in spirit and suffering from heat and fatigue.

"All these things and many others occurred here, doubtless, for the manifest design of breaking up our Church in this place. But she still lives, and now a traveling preacher and his family live peaceably in my house, flushed with the success that attends his labors, and rejoicing in the prospect of a brighter future. The Lord be praised for his happy and wonderful deliverance. "S. W. BURGIN."

ELDER GEORGE W. ROBEY AND OTHERS.

The following account of the persecution and prosecution of ministers of the Baptist Church is furnished by one altogether competent and reliable:

"In the fall of 1865 the Bethel Association convened with the Mount Pleasant Church, and about the close of our business a resolution was offered by me, declaring that, as Baptists, we alone had the right to decide upon the qualifications of our Gospel ministers. That any other qualification than that which was prescribed by the word of God was of man, and, therefore, not binding upon *either conscience or soul. The resolution was adopted unanimously.* It was intended and recognized as a stand point for the ministers of our Church within the bounds of the Bethel Association, and it affords me pleasure to

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say that *but few* of our preachers turned and bent the knee to Fletcher before they could bear aloft the banner of our crucified, yet risen, Saviour.

"On the 3d Saturday in December, 1865, Elder G. W. Robey was called to the pastoral care of our Church (Emerson).

"On the 31st day of the same month, as by previous arrangement, he commenced a protracted meeting, Bro. W. Cleaveland coming to his assistance. Preaching was continued from day to day for about two weeks. During the time, a deep interest was taken in the exercises and nine souls were led to hope in the pardon of their sins, their acceptance with God, and they were baptized and entered into the fellowship of the Church.

"A short time before the close of the religious exercises one *Elijah Bohon, claiming to act as deputy constable,* with a posse of three men (Wm. Moston, Samuel Imbler and Ephraim Imbler) made their appearance at the Church, *each well armed with revolvers,* which they seemed in no wise disposed to conceal, and let the people know that they had the necessary papers authorizing them to arrest Elders G. W. Robey, W. R. Cleaveland and Eastham Ballinger for daring to preach the Gospel without first taking the *'test oath;'* in other words, for not making the law of God subordinate to the civil law.

"*The deputy constable, Elijah T. Bohon,* was exceedingly anxious to have Brother Robey pointed out to him. The only reply was, let your informant do it.

"At the appointed time Brother Robey commenced the exercises. *Elijah T. Bohon, deputy constable,* and two of his posse entered the house, took their seats in a very orderly manner and heard a religious discourse

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delivered, unmixed with politics. The interest in the meeting was widening. The alternate shades of joy and deep concern could be plainly seen upon every face. The exercises came to a close, and *Elijah T. Bohon, deputy constable,* then proceeded, in the discharge of his *voluntary duty,* to arrest Elder Robey.

"In an unintelligible manner, and trembling like an aspen leaf, he went through the *form* of reading the writ. The writ was issued by one John T. Bohon (*brother of Elijah T. Bohon, deputy constable*), who was duly elected a justice of the peace under the Draconian Constitution.

Deputy constable Elijah T. Bohon required Brother Robey to appear before Justice John T. Bohon at his office, some four miles off, at 2 o'clock of that day, which Brother Robey did, with all the male members and friends who were present when he was arrested.

"Brother Robey waived an examination, and was required to give bond for his appearance before the Circuit Court on the 4th Monday in February, 1866. Squire Bohon condescendingly informed Elder Robey that he must not preach any more. If he did, it would be his duty to have him re-arrested. Brother Robey returned and preached the same evening from Acts xxii. 24. He delineated with a master hand the great necessity of enduring all things subservient to the will of God.

"During the sitting of the Circuit Court Elders G. W. Robey, W. R. Cleaveland, James S. Green, J. Hill Luther, Eastham Ballinger and others, who held the divine above the civil law, were indicted for preaching the Gospel of Jesus Christ to a dying world. Elder Robey was required by the circuit judge, W. P. Harrison,

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to enter into a recognizance of $1,000 for his appearance before the judge on the fourth Monday in July following. He appeared, and was again recognized to appear before his Honor on the fourth Monday in February, 1867. He again appeared, and the prosecution was dismissed. I believe that all the parties concerned in the prosecution, except the witnesses (members of the Church), voted for the new Constitution, thereby making themselves *particeps criminis* to this infamous and most unhallowed persecution.

"The Church at Emerson took prompt action to assist Brother Robey. A committee was appointed to accompany and render him any assistance in their power.

"Messrs. R. E. Anderson, H. S. Lipscomb and H. J. Drummond, gentlemen of eminence in their profession, rendered the accused, *qratuitously*, all the assistance they could.

"I trust that I may never again witness the time when I shall behold the true and faithful servant of the Most High God arraigned before our courts for preaching the unsearchable riches of Christ to a lost and ruined world. How strange it sounds to enter the temple of justice and hear read from the docket: State of Missouri *vs.* Judy Wilson, for keeping a bawdy-house. State of Missouri *vs.* James S. Green, for preaching the Gospel. State of Missouri *vs.* Jim Jones, for grand larceny. All this has transpired among a civilized people, and that, too, in the nineteenth century.

"J. J. SAMUELS."

REV. JOSIAH M'CARY.

This good man and faithful minister of the Gospel

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and member of the St. Louis Conference, M. E. Church, South, furnishes the following account of his own trials and persecutions, and, with many others, believes that there was formed in this State a well-laid scheme for the persecution of every Southern Methodist preacher who could neither be scared away nor bought up:

"In my own case, some time in May, 1861, just before I reached one of my places of preaching, I was met by a friend, who inquired of me if I was going to fill my appointment? I answered, 'Yes.' Said he, 'I am informed you will not.' My answer was, 'Your informant don't know.' I went to the place and delivered my message to a large and attentive congregation, which, when dismissed, retired peacefully from the house. Several of the people informed me that many threats had been made against me, and thought from the tone of some that an effort would have been made that day to take me out of the house or to prevent my going into it. 'What is the accusation against me?' I inquired. 'Southern Methodist preacher and a Southern man,' was the answer. 'If this is my crime I am ready to answer. If a man is to be punished for being born in any particular part of these United States, or to be condemned for belonging to any religious body whose sole aim is to benefit mankind, who, then, is safe when law and liberty are at an end? If he goes North they kill him because he did not go North to be born. If he stays at home or goes to the house of God to worship, they kill him and then rob his family.'

"At my next appointment every thing was ready, I was informed, for an assault upon me. Some young men requested me to permit them to arm themselves

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for my defense. This I refused. I went and preached the Gospel of peace and salvation to the people, but no man rose up against me. The mob, no doubt, thought they were too weak to be successful, as the audience was large.

"In a short time after a company of about forty came to my house to hang me—so a messenger who informed me of their coming said. I plainly saw there was but one hope or chance left me—that was to get out of their reach, which I did. I was driven away from my own house. In a short time my house was robbed of every thing valuable they chose, breaking open trunks with axes and carrying off their contents, with the blankets from the beds. In the dead of winter, in December, 1861, an armed band came in the night and burned my house to ashes; then came the militia and tore down the corn house and corn pens on the premises, and carried off about two thousand bushels of corn, for which I have never received one cent from the Government to this day. Mine was not the only case. The wrath and fury of the enemies of our preachers fell heavily on us all, in which many lost not only their property, but their lives, upon whose moral character no stain can be found. I have often remembered the word of the Lord to Cain, 'The voice of thy brother's blood crieth to me from the ground.'

"After the close of the war I attended the Annual Conference of the M. E. Church, South, held at St. Louis, and was sent to Georgetown Circuit. I came on at once and got off the Pacific railroad at Dresden, Mo., where I was informed that very night by one who was dubbed 'Governor of Pettis county' that if I

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attempted to preach on the Circuit I would get into difficulties I would not get out of soon. I understood that my life would be taken. I went to my farm, or where the farm ought to have been, on Warrensburg Circuit, and under the test oath, as it was called, I was arrested for preaching the Gospel.

"Who would, who could, have believed, until it actually did take place, that such instruments of torture should ever be invented in the State of Missouri by authority of law, so-called, as have been put in operation to punish men for opinion's sake. One would have thought that not one man could be found who would be willing for his name to go down to posterity in the history of the times stained with so foul a blot as must forever rest upon the name of the men who took part in getting up and carrying forward the wicked schemes contemplated by the test oath. I have often thought, since many in our land have engaged so earnestly in plotting destruction against their countrymen, of the old Greek poet who says:

"The eagle saw her breast was wounded sore;
She stood and weeped much, but grieved more;
But when she saw the dart was feathered, said:
Woe's me, for my own kind hath me destroyed."

Yes, our own countrymen! There is one comfort to me after all. I would rather lose all I have lost and suffer all I have suffered than to be the man of such wicked contrivance to bring suffering on others. Little and unknown let me live and let me die rather than go down to the grave with the consciousness of having lived to inflict injury upon others who never injured me. JOSIAH MCCARY."

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"At the April term of Pettis county Circuit Court, 1866, the following grand jurors for the State of Missouri for the body of the county of Pettis aforesaid were sworn and empanneled, viz.: George W. Smiley, H. Richardson, John Shaw, T. B. Chapin, John H. Jones, George Lower, R. D. Middleton, James Marlin, W. H. Yankee, Ira L. Blair, W. R. Bohon, David Wagner, N. Ray, J. H. Colton, J. J. Weiler. *W. Ramey.*

"At this term of the Court the following indictment was made out against me by the attorney for the State, found by the jurors above named. The following is an exact copy from the record:

"'STATE OF MISSOURI, } In the Pettis Co. Circuit Court,
COUNTY OF PETTIS. } at the April Term, A. D. 1866.

"'The grand jurors for the State of Missouri for the body of the county of Pettis aforesaid, upon their oath present that Josiah McCary, late of the said county, on the first day of April, in the year of our Lord eighteen hundred and sixty-six, was a minister, and as such minister did, then and there, preach the Gospel to a Church, or congregation of people, then and there assembled for the purpose of religious worship, without him, the said Josiah McCary, having then and there taken, filed and subscribed the oath of loyalty prescribed by the Constitution of the State of Missouri, which said oath of loyalty the said Josiah McCary was then and there duly and legally required to take, subscribe and file before he, the said Josiah McCary, was competent as a minister to preach the Gospel, contrary to the form of the Constitution in such cases made and provided, and against the peace and dignity of the State.

"'HORACE B. JOHNSON,
Circuit Attorney.'

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"In the last of May following the term of the Court at which I was indicted I was arrested by the Deputy Sheriff and refused for some time to give bond for my appearance at the next term of the Court; but on account of the helpless condition of my family I was induced to give bond in the sum of five hundred dollars, William Hutchison and John M. Sneed securities.

"At the July term of the Circuit Court for Pettis county, 1866, I entered my appearance in Court. The most eminent lawyers in the State outside of the city of St. Louis appeared as my counsel—Judge Wright, Judge Hicks, Col. John F. Phillips and George Heard. Judge F. P. Wright moved to quash the indictment, in which he showed, when he came to speak in the case, the unconstitutionality of the law and the defects of the indictment itself, the impossibility, according to the laws of all civilized nations and the natural law, to punish a minister of the Gospel for preaching the Gospel of the grace of God. Judge Hicks followed and said Judge Wright's position was well taken, and his premises and conclusions were just; that the laws enacted and approved by men, however just, noble and great, were as nothing when compared to the law of the Great Lawgiver of the universe, the all-wise God, whose laws none could violate with impunity, nor could any be punishable for conforming to them. He then quoted the great commission, 'Go ye into all the world and preach the Gospel to every creature,' etc. From the premises he laid down it was evident that Judge Hicks had entrenched himself in such a manner that it was impossible for all the tyrants in the world to rout him by fair argumentation. The friends of persecution

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and the enemies of the Gospel of peace quailed before him, and the friends of law, liberty and the rights of conscience rejoiced in heart that in this degenerate age the noble, the strong and the good were still battling for the law of God, for the Constitution of the country and the just laws of the land.

"When Judge Hicks concluded his able speech the prosecuting attorney, Mr. Johnson, made a short speech in favor of the writ, in a very concise manner, and very respectfully submitted the case to the Court. He appeared in every respect a gentlemanly, well-bred man, and, I thought, ashamed of the members of the Convention who framed the Constitution, the members of the Legislature and the Governor of the State.

"Judge Tutt, presiding, felt mortified, I have no doubt, when looking over the docket to see men indicted for preaching the Gospel, others for theft and the basest of crimes. After examining into the case fully he sustained the motion to quash the indictment, and brought upon himself the bitter curses of a few Radical bigots who were clamoring for the blood of Southern Methodist preachers in Missouri.

"I was indicted again at the July term of the Pettis Circuit Court and put under bond of one thousand dollars, with C. Wood, of Sedalia, security. At the next term the case was dismissed, on account of the decision of the United States Supreme Court."

REV. W. S. WOODARD.

The following interesting document explains itself:

"MIAMI, Mo., Feb. 4, 1869.

"REV. P. M. PINCKARD:

"*Dear Brother*—Since your call for material for

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your forthcoming book, I have been thinking for something to report to you that might be worthy of a place therein.

"I have thought of nothing more likely to be of service to you than the following, which I place at your disposal:

"It will be remembered that the St. Louis Conference met in St. Louis the week preceding the time when the Constitution oath was to take effect.

"I presume this time was selected to give the preachers an opportunity to consult with each other in reference to what they would do when the Strong-Drake contrivance got between them and their God; and while He said 'Go, preach,' it said, 'If you do you shall be punished.

"'In the multitude of counsel there is safety,' saith the proverb.

"Well, we met. The roll was called, the regular business was taken up, the various questions were called, and the interests of the Church were attended to in the usual way. We were nearly through the business—nearly ready to adjourn—and had not yet reached the new Constitution. It did not seem to fall *easily* within the purview of an Annual Conference. What ought to be done? We wanted to take 'counsel' with one another in reference to our action in the future. But no one seemed inclined to dirty his hands by touching the 'unclean thing.' No one wanted the journal of the Conference blurred with a resolution that would take cognizance of the fact that the State was making an effort to prevent any one from preaching the Gospel except those whom she would choose to license.

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"'Are you going to take the oath? Will you preach without taking the oath?' These questions were repeatedly asked and answered on the streets, but never on the Conference floor.

"Being anxious to know the sense of the Conference, I wrote the above questions in my memorandum book, and made two columns, over which I wrote 'yes' and 'no.'

"I still have the book. Under the question: 'Are you going to take the oath?' and in the column headed 'No,' I find the following names: F. A. Morris, G W. Horn, W. S. Woodard, Jos. Bond, G. M. Winton, T. W, Mitchell, S. S. Headlee, M. M. Pugh, P. M. Pinckard, J. T. Peery, J. McCary, J. C. Shackleford, D. R. M'Anally, T. M. Finney, D. A. Murphy, D. J. Marquis, H. N. Watts, W. M. Williams, G. C. Knowles, Jno. Campbell, L. W. Powell, N. M. Talbot, W. J. Brown, L. B. Ellis, J. P. Barneby, J. S. Frazier, H. W. Webster, G. P. Smith and J. E. Godbey.

"Under the question: 'Will you preach without taking the oath? and in the column headed 'yes,' are the following names: F. A. Morris, G. W. Horn, W. S. Woodard, D. M. Proctor, M. M. Pugh, D. R. M'Anally, J. W. Lewis, T. M. Finney, D. A. Murphy, J. T. Peery, N. M. Talbot, W. J. Brown and J. E. Godbey. The following answered, 'I think so': H. N. Watts, D. J. Marquis, G. C. Knowles, Jno. Campbell, L. B. Ellis and G. P. Smith.

"Bro. Lewis assisted me in getting the above answers. Some of the preachers did not answer either question. Some answered one who did not answer the other.

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"There may have been some who did not have an opportunity to record their answers.

"The oath took effect on Saturday before the first Sabbath in September. Some weeks before, I had published that I would preach a funeral at Stone Church, St. François county, on the second Sabbath. At the appointed time I was at the appointed place. Some of my friends said, 'Don't preach; you'll be arrested; the officer is on the ground.' I decided not to disappoint my congregation. At the close of the services it was announced that there would be preaching in the afternoon.

"The hour came—the congregation was there—a number of preachers were present, not one of whom would preach. My health was feeble, yet I was able to read, with some emphasis, the 267th hymn:

"Shall I, for fear of feeble man,
The spirit's course in me restrain?
Or, undismayed, in deed and word,
Be a true witness for my Lord?

"Awed by a mortal's frown, shall I
Conceal the Word of God most high?
How then before *Thee* shall I dare
To stand, or how thine anger bear?

"Shall I to soothe th' unholy throng,
Soften thy truth, and smooth my tongue,
To gain earth's gilded toys, or flee
The Cross endured, my Lord, by thee?

"What then is he whose scorn I dread,
Whose wrath or hate makes one afraid?
A man! An heir of death! A slave
To sin! A bubble on the wave!

"Yea, let men rage since thou wilt spread
Thy shad'wing wings around my head:
Since in all pain thy tender love
Will still my sure refreshment prove.'

"During the singing, E. H. White whispered in my ear, 'Be cautious; there is danger.'

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"The sermon that followed was impromptu. Text, 'I have not shunned to declare unto you all the counsel of God.'—Acts xx. 27.

"Bro. White preached at night. The meeting continued two weeks, with gracious results.

"I preached in nearly every county in Southeast Missouri. Was indicted (so I had been informed) in Jefferson, St. Francois, Cape Girardeau and Crawford counties, but was never arrested. I witnessed but one arrest, that of Rev. Reuben Watts, by the sheriff of Bollinger county. W. S. WOODARD."

A Singular Case—A Court adjourned because Attorneys would not prepare Indictments against Ministers.

"At the May term of the Jefferson Circuit Court, 1866, there were present—James W. Owens, judge; C. C. Fletcher, sheriff; and S. A. Reppy, clerk.

"The following were sworn as the Grand Jury for that term: John W. Sullins (son of Isaac Sullins, a Northern Methodist preacher), foreman; Martin Hohl, J. Ed. Walker, Z. Pritchett, Wesley Skaggs, Henry F. Ditmers, Adolph Weber, Benj. F. Butler (not spoony Ben), D. F. McKee, George Martin, John Koh, Florence Spitz, Wm. Mockbee (democrat) and John Foxton. All these were *extreme radicals*, except Mockbee, democrat.

"This jury found several bills of indictment against ministers of the Gospel for preaching without taking the 'Iron-clad Oath,' but Col. David Murphy, who was circuit attorney at the time, refused to draw up the indictments. The jury reported this fact to Judge Owens while court was in session. The judge called Colonel Murphy up and asked him if it was a fact that he would

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not draft the bills of indictment which the Grand Jury had found. The colonel replied that he had refused in the case of the ministers, but no one else, believing that the oath was unconstitutional. The judge then, his eyes flashing fire, asked each attorney present to act as circuit attorney *pro tem.*, to draw up these indictments, and each one peremptorily refused. Judge Owens then said he would do no more business until he could find a lawyer who would help him to execute the laws against the criminals of the State, and, without further ado, adjourned court to third Monday in June. He ordered the same Grand Jury to meet him then. Owens came back on the third Monday in June and brought J. H. Pugh, of Washington, Franklin county. He called court and Pugh drafted indictments against Henry Brockhager, a German Catholic priest; against Wm. O. Gibson, a minister of the Baptist Church, and against Wm. G. Walker and D. J. Marquis, of the M. E. Church, South. Gibson was tried and acquitted at the November term, 1866. Wm. G. Walker was arrested, but nothing was ever done with his case. Brockhager was arrested, gave bond and took a change of venue to St. Louis county, and thus ended his case. And Mr. Marquis—I don't know what became of his case.

"Judge Owens would not transact any other business than indicting the ministers, because the attorneys refused to become tools of oppression.

"The writer was present and saw it all.

"JOHN L. THOMAS."

State of Missouri vs. Rev. James Ragan, of the Cumberland Presbyterian Church.

The following contains a true copy of the proceed-

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ings in the case of the State of Missouri vs. Jas. Ragan, in the Gentry county Circuit Court, in the State of Missouri, for preaching without taking the oath of loyalty, to wit:

Copy of Indictment:

"STATE OF MISSOURI,
SEVENTEENTH JUDICIAL CIRCUIT.

"In the Circuit Court of Gentry County, March Term, A. D. 1866.

"The grand jurors for the body of the county of Gentry aforesaid, upon their oaths, present that James Ragan, late of the county of Gentry aforesaid, on or about the 25th day of February, A. D. 1866, and divers times before and since, with force and arms, at the county of Gentry aforesaid, did unlawfully hold and exercise the profession and functions of a minister of the Gospel and of a religious denomination, by then and there teaching, preaching, exhorting, explaining and expounding the Scriptures without him, the said James Ragan, first before the holding and exercising the profession and functions of teaching, preaching, exhorting and explaining the Scriptures as aforesaid, having taken, subscribed and filed the oath of loyalty prescribed by the sixth section of the second article of the Constitution of the State of Missouri, adopted in Convention begun and held at the city of St. Louis, on the 6th day of January, A. D. 1865, to the form of the statute in such cases made and provided, and against the peace and dignity of the State.

"T. H. COLLINS, Circuit Attorney."

Said indictment was endorsed as follows:

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"*The State of Missouri vs. James Ragan.* Preaching without oath of loyalty. A true bill. Reuben Wood, foreman of the grand jury. Witnesses: Wm. Madden, Felix Dunagan and W. H. Marrs. Filed March 22d, 1866. Charles S. Comstock, clerk."

Mr. Ragan gave bond in the sum of $500.

Copy of proceedings, September term, 1866, Sept. 25, 1866:

"*The State vs. James Ragan.* Preaching without taking oath of loyalty.

"On defendant's application, this cause is placed at the foot of the docket."

"*The State vs. James Ragan.* Preaching without taking oath of loyalty.

"Elbert Ragan is ordered to be released from his recognizance herein, and cause continued, and ordered that an *alias capias* issue for the arrest of the defendant, directed to the Sheriff of Linn county."

Proceedings at March term, March 25th, 1867:

"*The State vs. James Ragan.* Preaching without taking oath of loyalty.

"Now, at this time comes the Circuit Attorney, and on part of the State enters a *nolle prosequi* in this cause. Whereupon it is ordered by the Court that defendant be discharged from further prosecution in this cause."

"*State of Missouri, County of Gentry, ss.*

"I, James West, Clerk of the Circuit Court within and for the county aforesaid, certify that the above and foregoing contains a true copy of the records and proceedings in the case of the State of Missouri against James Ragan, for preaching without taking oath of

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loyalty, as the same are shown by the papers on file and of the records now in my office.

"In testimony whereof, I have hereunto set my hand and affixed my official seal, at office, in [SEAL.] Albany, Mo., this 16th day of March, A. D. 1869.

"JAMES WEST, Clerk."

REV. JOHN A. MUMPOWER.

From the records of the same court as the above, and upon the official certificate of the same clerk, the legal proceedings in the case of Rev. J. A. Mumpower, of the Missouri Conference, M. E. Church, South, has been furnished. This document embraces a copy of the affidavit upon which the warrant for his arrest was issued, made by S. W. Davis and Frank R. Owen; a copy of the "warrant" issued by M. L. Miller, J. P., and its return by the sheriff, H. M. Rice; a copy of the "bond" for $500, with twelve good names as security; a copy of the transcript from the docket of Justice Miller; a copy of the "indictment" found by the Grand Jury, endorsed by L. G. Jenkins, foreman, and I. C. Parker, circuit attorney; a copy of the "recognizance," and the dismissal of the suit upon a *nolle prosequi*, with the certificate of the clerk and the seal of the court.

REV. J. S. FRASIER.

The Grand Jury for the body of Madison county found a "true bill" against Rev. J. S. Frasier, of the St. Louis Conference. The indictment was prepared by J. B. Robinson, circuit attorney, and the case was docketed for the April term of the Circuit Court, 1866,

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from which a certified copy has been furnished by H. H. Finley, clerk.

REV. J. B. CHRISTIE.

From the Circuit Court records of Gentry county a certified copy of proceedings against Rev. J. B. Christie is furnished. The affidavit was made by Jno. Persinger, before Jacob Jones, a County Court judge, by whom the writ was issued for Mr. Christie's arrest, and before whom he was arraigned and bound in the sum of two hundred and fifty dollars to appear at the next term of the Circuit Court. The Grand Jury found an indictment, which was prepared by I. C. Parker, circuit attorney.

On the Circuit Court docket is this record: "Thursday, September term, 1866. September 27, 1866.

"THE STATE, *vs.* J. B. CHRISTIE. } *Preaching without oath.*"

The transcript is certified by James West, clerk, and the court seal.

REV. A. H. DEAN.

This faithful and humble minister of the Baptist Church was indicted, arrested and lodged in jail for preaching the Gospel without taking the oath. He was indicted and arrested in Cass county, and taken to Independence, Jackson county, and thrust into the county jail. The fact that he had been a major in the Union army did not exempt him from the treatment above indicated. His conscience would not let him take the oath, and his caution will not let him furnish the facts.

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REV. L. F. ASPLEY.

The following is the brief account of the peculiar trials and persecutions of this good and true minister of the St. Louis Conference, M. E. Church, South, furnished by himself:

"I, too, was numbered with the sufferers of Missouri. I was a prisoner several times; my life threatened; driven from home; house burned, and the last dollar's worth of property I had in the world taken from me. I was indicted twice by the Grand Jury of Scott county for preaching without taking the oath prescribed by the new Constitution.

"I do not write to complain of the sufferings and hardships through which I have passed; but I thank God that I was counted worthy to suffer for His name's sake."

REV. WM. C. LIGON AND ELDER GEO. P. KINNAIRD.

The latter a martyr. Read and ponder.

"At the time the unparalleled decree of the Convention took effect the writer was living in Carroll county, Mo., where he had resided since 1841, and was well known in the county as a Baptist minister. On account of my age I was often consulted as to what ministers should do about the 'test oath.' I replied, that no human authority has a right to prescribe qualifications for the ministry, and the requirements of the Constitution 'test oath' was in contravention of the Constitution of the United States, and we should utterly disregard it and risk the consequences—disregard it and pursue our ministry as heretofore, trusting in God and

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meet the consequences. To these opinions most of my brethren gave their assent. The result was a presentment by the Grand Jury empanelled at the March term of the Circuit Court of Carroll county, in 1866, against Wm. C. Ligon and George T. Kinnaird, Baptists, and Thomas A. Gaines, a Reformer, or Campbellite. The Grand Jury making the presentment consisted of Jonathan Trauber, W. Vinson, Col. Axton, H. R. Brotherton, Tom Mattox, R. M. Millon, Milton Stanley (a Baptist), W. G. Ross (whom my informant denominates '*a thief*'), David Freeman, Bill Jones and Simon——(his name unintelligible). The prosecutions were all dismissed at the term of the Court to which they were returnable by Honorable Walter King, the Circuit Judge, on account of some informality. Gladly would I close this communication, as a complete narrative of the evils resulting from enactments which would have added a signal blot to the character of a Nero, but the melancholy sequel compels me to proceed.

"GEORGE T. KINNAIRD.

"One of the Baptist ministers named above, as guileless a man as I have ever known—a man universally esteemed and eminently useful as a Gospel minister, lived about five miles from the court house, and in obedience to a writ which had been served on him, attended the Fall term of the Court to which the writ was returnable. The clemency and confidence of the Judge, who knew he was trustworthy, allowed him to return home until his case would be adjudicated. He was in delicate health, the weather was decidedly inclement, and in attempting to pass a creek, swollen

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by a recent rain, was submerged, which produced an attack of pneumonia, resulting in his death. His ministerial labors were signally crowned and blessed of God. His example practically said, 'Follow, me as I also follow the Lord Jesus Christ.' But in attempting to render to an iniquitous 'Cæsar the things which belonged to Cæsar,' he was cut down in mid-life and signal usefulness.

"A pious and amiable wife and an interesting rising progeny were deprived of a pious husband and father, and the community of a highly efficient minister of the grace of God.

"He thus fell as virtually a *martyr*, through the decree of the Missouri Convention, as he would have been had his head been violently taken off, or his body burned at a stake, as were those of John Huss or Jerome of Prague.

"The hour of retribution must and will come. The members of the Missouri Convention will be confronted on the day of final reckoning by their persecuted and murdered victims. The assizes of that day will result joyously to the persecuted pious. But wo to the wicked! It will be ill with them, for they must 'eat of the fruit of their doings.'

"The dying exercises of my esteemed brother Kinnaird were ample evidence of his meetness for heaven. As his life was fast ebbing he motioned to his afflicted wife to imprint on his dying lips the parting kiss, after which he soon expired, while attempting to sing (in which exercise he had excelled):

"Once more before we part
We'll bless the Savior's name.

"WM. C. LIGON."

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REV. MARTIN L. EADS.

This venerable servant of Christ, now sainted, was not exempt from the persecutions incident to the times. The following communication will be read with melancholly interest:

"*Brother Pinckard:* I have been wandering up and down in this world for more than forty years, trying to preach Christ's Gospel to my fellow men. I have always been an ardent lover of popular liberty and a great admirer of the free institutions of our common country. I have often devoutly thanked Almighty God on my knees in the pulpit and around the family altar for the sacred privilege of worshiping God 'under our own vine and fig tree, none daring to molest or make us afraid.' And as I have witnessed the rise and progress of Christianity and liberal principles in this country, I never conceived the thought that I should live to see the day when those liberal principles should be violated and the progress of the Gospel impeded and trammeled by an iron-clad oath which no Christian minister of the Gospel could take—according to my view—without doing violence to his conscience and prostituting the sacred office of the Christian ministry to corrupt political party ends. Yet I have lived to see it. In September, 1865, Constable Glenn came to my house with a writ for me to appear before Esquire Aubry, of Wellsville, to answer to the charge of preaching the Gospel without taking the oath. When I appeared before him he required me to take an oath and sign a bond, both of which I refused to do. Esquire Aubry insisted on it, though in a mild and gentlemanly

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manner. I told him that I was seventy-four years of age, and before I would do so I would spend my few remaining days in jail. The reason why I acted thus was because I could not take the oath without doing great violence to my conscience. I could never have gone before a congregation to preach the Gospel to it with a commission from a County Court that supplanted a commission from the 'King of kings,' under which I had been preaching for more than forty years. During my trial a Rev. Mr. Dowler, of the Northern Methodist Church, who was the instigator of my arrest, without any provocation, said to me: 'Mr. Eads, do you know I am an officer of the Government?' I simply replied to him by saying that I thought the Government had made a poor selection in an officer. There seemed, after refusing to take the oath, no alternative but to go to jail. I was on the eve of starting to Conference when I was arrested. I suggested to the Esquire to wait until I had returned from Conference, to which he readily acceded.

"On my return from Conference I started to report myself to Esquire Aubry, according to promise. I overtook Constable Glenn on the way there, by whom I sent word that I was of the same mind—I could not take the oath, and that he might issue his *mitimus* as soon as he pleased. A few days after this, in Montgomery City, Constable Glenn came up to me and said, 'Mr. Eads, I suppose nothing more will be done with that matter.' Why they did not enforce the law against me I do not know. M. L. EADS."

THE AUTHOR.

The following is a true copy, *verbatim et literatim*, of

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the indictment found by the grand jury for Buchanan county and State of Missouri.

The document bears the following endorsement on the back:

"Filed 30th November, 1865. W. C. Toole, clerk; by E. Toole, deputy. State of Missouri vs. Rev. Wm. M. Leftwich; failure to take the oath as a minister of the Gospel. A true bill. George Lyon, foreman. Witnesses: Joseph P. Grubb, S. S. McGibbens, D. J. Heaton, Wm. S. Leach, Jas. Kay.

"*State of Missouri, County of Buchanan, ss.* In the Buchanan Circuit Court, at the adjourned November term of the September term thereof, A. D. 1865.

"The grand jurors of the State of Missouri for the body of the county of Buchanan, being duly empaneled and sworn, upon their oaths present that, whereas the revised and amended Constitution of the State of Missouri, adopted by the people of said State on the 6th day of June, A. D. 1865, and declared by proclamation of the Governor of said State, issued on the 4th day of July, A. D. 1865, to be the supreme law of the State, provides, among other things, in the ninth section of the second article thereof, that after the expiration of sixty days after this Constitution, thereby meaning the Constitution above referred to, takes effect, no person shall be competent as a bishop, priest, deacon, minister, elder, clergyman of any religious persuasion, sect or denomination, to teach or preach or solemnize marriages unless such person have first taken, subscribed and filed the oath known in said Constitution as the oath of loyalty, provided and prescribed by the terms of the sixth section of the second article of said Con-

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stitution; and that, whereas the fourteenth section of the second article of said Constitution, among other things, provides that whoever shall, after the time limited in the seventh and ninth sections of this article, hold or exercise any of the offices, positions, trusts, professions or functions therein specified, without having subscribed and filed said oath of loyalty, shall, on conviction thereof, be punished by fine not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment, and the persons aforesaid, upon their oaths aforesaid, do say that the Rev. William M. Leftwich, both of said county, then and there being a minister of the Gospel or clergyman, did, on the 19th day of November, A. D. 1865, at the county of Buchanan, the said 19th day of November, 1865, being after the expiration of sixty days after said Constitution took effect and became the supreme law of the State of Missouri, willfully preach and teach as such minister without having first taken, subscribed and filed the oath of loyalty aforesaid, against the peace and dignity of the State.

"I. C. PARKER, Circuit Attorney."

Rev. R. H. Weller, rector of the Episcopal Church, and two Catholic priests, were honored with the same attentions at the same time. We positively refused to give bond for our appearance at Court, and tried thus to force the officers to jail us, but they would not do it. About this little matter the writer could "a tale unfold;" but then he is not writing of his own, but of the persecutions of others.

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MANY OTHERS.

Time and space would fail me to tell of Revs. W. S. Woodard, T. R. Kendall, John Campbell, Thomas Frazier, Joseph Thorp, H. N. Watts, W. M. Rush, H. Lauthan, A. C. Blackwell, Thomas Hurst, M. M. Pugh, J. C. Campbell, J. G. Martin, V. S. Carter and hundreds of others, "who had trials of cruel mockings, yea, of bonds and imprisonment," under the same legalized proscription and authorized persecution of ministers in the State of Missouri.

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CHAPTER XIX.

REV. SAMUEL S. HEADLEE AND REV. ISAAC FRAZEE.

Rev. S. S. Headlee—The most Noted of all the Missouri Martyrs—Biographical Sketch—Early Ministry—In Labors Abundant—Headlee "as a Preacher"—"As a Man"—As a Presiding Elder—The Circumstantial Details of His Murder—Deeply Affecting Scenes during the Last Hours of the Dying Martyr—His Murderers—Their Names and the Names of those who saw them Commit the Deed—Responsible Certificates—Justice seeks its Vindication in History when denied in Civil Tribunals—*Rev. Isaac Frazee*—Murdered by Soldiers.

REV. SAMUEL S. HEADLEE.

No one case of persecution and martyrdom during the late war or under the test oath of the new Constitution produced so profound a sensation, attracted so much public attention, and became so widely known as the murder of Rev. S. S. Headlee.

It would be as difficult to reflect the public feeling created by the sad event as to collate the notices and comments of the press of the country. Indeed, few events of the war in Missouri excited more of public and general interest and touched more sensibly the popular heart. His memory is embalmed in the most sacred shrine of the religious consciousness of his Church, and his name stands peerless upon the roll of Missouri martyrs.

All the distinctive elements of a Christian martyr

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are conspicuous and unadulterated in the circumstantial details of his death. An affecting and not altogether inappropriate estimate of the cause and manner of his murder has compared him to the apostolic martyr St. Stephen. In all the history of martyrdom there are few cases recorded in which men were put to death more directly and positively "for the Word of God and the testimony which they held," and with less admixture of other and foreign issues. But space will neither allow a further vindication of his claims to a martyr's crown nor a full account of his life and sufferings, with the circumstantial details of his murder. The decisions of the righteous Judge and Avenger of all the holy martyrs will do the one, and the affectionate records of a chastened Church will do the other. His name will live forever in the hearts of his brethren and will not soon perish from the history of his Church. Generations to come will study his life and character in the history of martyrdom, and the hearts of men will kindle with holier devotion at the mention of his name —shining illustrious and peerless among the martyrs of Missouri. But the purposes of this work will be accomplished in the following narrative, for the correctness of which the author has abundant and substantial evidence:

"*Rev. Samuel S. Headlee* was a native of Tennessee. His parents moved to Missouri at an early day, where Mr. Headlee was raised, converted to God, and entered the ministry. He was received on trial in the St. Louis Conference, M. E. Church, South, at Lexington, in 1852, Bishop Paine presiding and D. R. M'Anally secretary, and appointed to Rich Woods Circuit, in the Jefferson

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City District, with John K. Lacy Presiding Elder. He was returned to the same Circuit the next year, only it was put into the St. Louis District, with W. Browning, Presiding Elder. The next year he was admitted into full connection, and appointed to the St. Louis Circuit. The next year he was appointed to Fremont Circuit in the Springfield District. Wherever he went he was a faithful and an acceptable minister of the Lord Jesus in word and in doctrine. It is needless to follow him to all of his appointments and through all of his labors. He was humble, pious and zealous; unobtrusive and diligent; not profound or brilliant, but possessed of a mind deeply imbued with religious principles and thoroughly sanctified by grace divine, he gained ready access to the hearts and confidence of the people, and was every where "highly esteemed in love for his work's sake."

The most of his life was spent in the counties of Southwest Missouri, where few men stood higher in the estimation of the people, and *none* had a purer record or a more spotless character. He loved the Lord Jesus Christ in sincerity, loved His cause, loved the souls of men, and publicly and from house to house ceased not to warn men to flee from the wrath to come. He gained for himself "a good report of them which are without" as well as among his own brethren. Dr. M'Anally says of him:

"It can not be said that he was profound or brilliant. Possessed of a good share of common sense, and deeply pious, his preaching was earnest, plain, practical and useful. The love of Christ constrained him, and he preached 'the Word,' reproved, rebuked, exhorted

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with all long suffering and doctrine. Ardently loving the Church of his choice, and having a good understanding of her doctrines, discipline and usages, he labored faithfully and constantly to extend the benign influences of Christianity, as developed through that organization, and every where sought to build up believers in their most holy faith.

"Wherever, in the judgment of his brethren, it was best for him to go and labor, there he went without murmuring and labored without complaint."

The same writer gives the following estimate of him:

"AS A MAN AND AN INDIVIDUAL CHRISTIAN

"He was truly exemplary, in the full sense of that word. To his superiors in age, wisdom or experience he was deferential and respectful, to his equals courteous and agreeable, and to the weak and erring he was pitiful and kind. For his meek, quiet, inoffensive spirit he was remarkable. Possessed of exceedingly tender and delicate sensibilities, he acted toward others as if they possessed the same, and would not willingly wrong any one, harm any one, or offend any one.

"His naturally mild and quiet disposition was greatly improved and sweetened by the refining influences of deep, earnest and consistent piety—a piety consisting in supreme love to God and universal love to man. He was the enemy of none; nor was there an intelligent, honest, upright or good man or woman in all the land that was an enemy to him.

"A truer, kindlier, milder, sweeter-spirited, or more heavenly-minded man is rarely found."

His last appointment was Presiding Elder of the

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Springfield District, St. Louis Conference, where he labored faithfully and extensively to reclaim the waste places—to reorganize and rebuild the wasted, scattered and desolated Church.

So complete and extensive had been the wreck and ruin of the Church in that part of the State that for years after the war closed it was called, by way of distinction, "the burnt district." In this "burnt district" but few churches remained standing and but few societies preserved an organized existence. Mr. Headlee had done as much if not more than any other man in that part of the State to save the Church, prevent disintegration and absorption, and defeat the purposes of the Northern Methodist disorganizers and church thieves. He was faithful amid the faithless, but neither officious in the affairs of others nor offensive to any right-minded, honest man. Yet his firmness and fidelity to principle, though quietly and cautiously maintained, encouraged the timid, assured the doubtful, steadied the wavering, inspired hope and courage every where, and thus defeated the purposes of designing men, and provoked the malice — even vengeance — of the faithless fanatics who were bent on the destruction of the Southern Methodist Church. To be a faithful, devoted, useful Southern Methodist preacher in that country, at that time, who could neither be scared nor bought, was equal to a man's life. Mr. Headlee had prevented some churches from breaking up and becoming a prey to the prowling wolves in sheep's clothing, and was extensively useful in gathering the scattered membership and reorganizing the dismembered societies, and the following narrative of his cruel murder will show how much

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this "work of faith and labor of love" cost him, and how much it was worth to the Church. In the same biographical sketch from which quotations have already been made the following account of his murder is given:

HIS DEATH

Occurred on Saturday, July 28th, 1866, and never, perhaps, in all the history of the United States was there a more deliberate, a more unprovoked, or more atrocious murder.

The killing was done in Webster county, near what has been called Pleasant View Church, a house of worship legally and morally belonging to the denomination of which Mr. Headlee was a minister. As Presiding Elder of the Springfield District this church was in his bounds and regularly under his care.

Thither he had gone to hold a quarterly meeting and reorganize the Church, which had been greatly scattered, torn and distressed by the public troubles of the country.

The appointment of the meeting had been publicly announced and generally circulated for some time previous. At the appointed time Mr. Headlee arrived at the church punctually, and was met by an armed band of some twenty or more men. These men were led, or seemed to be led, by one Henderson McNabb, a man who at the beginning of the late war was a member, and once a steward, of the M. E. Church, South, but who sometime during the war changed his Church relations by attaching himself to the M. E. Church, North, and, for aught I know or have ever heard, is still a member of that Church. This man acted as spokesman for the armed company, and told Mr. Headlee that he could not and should not preach in that church, and threatened him with violence if he attempted it. Mr. Headlee expostulated, and asked by what authority they threatened him and forbade his preaching to the people then and there assembled at their *own house?* McNabb, waving his hand to the armed band, replied,

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"There is my authority." The parties being well known to each other, Mr. Headlee proposed a friendly discussion, and stated that he knew he was preaching without having subscribed to the oath required by the new Constitution, but that he was ready and willing to answer to the law for that, and that he expected to answer. In reply he was told that they cared nothing about the law, but intended to stop his preaching there.

Finding all persuasions vain, and being abused and cursed the more the more mild he was, Mr. Headlee at length proposed to go to a grove about three-fourths of a mile distant, which grove was on his own land, and there preach, provided they would not interrupt him. To this they agreed. He and a number of the people then prepared to go. As he was going to his horse some of the band placed the muzzles of their guns against him, pushing him forward, all the time using foul and abusive language. His only remark was, "Let me alone; I can walk without help."

He and his company having gone about half a mile toward the designated grove, four of the armed band came galloping up. One rode up to Mr. Headlee's side and began abusing him and asking some impertinent questions. Mr. Headlee replied, "If you talk to me as a gentleman I will talk with you." At this the man drew a revolver and fired three shots. The first entered Mr. Headlee's right side and passed through the lungs; the second passed through the lapel of his coat, on the right side, and the third struck him on the hip, making only a flesh wound. The assassin and his accomplices then galloped back a short distance to McNabb's house, where the rest of the band were waiting.

On being shot Mr. Headlee neither screamed, nor spoke, nor moaned, nor did he change his position in the saddle, but sat erect as though nothing had happened.

The following deeply affecting account of the martyred minister's last hours and last touching interview with his beloved companion is from the same source:

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After having been shot he rode some fifty yards, to a shade, alighted from his horse, took off his gloves, put them in his pocket and calmly remarked, "Friends, I am a dead man;" and turning his face toward his murderers, who were still in sight, added: "Those bad men have killed me! Lord have mercy on them! Lord save them!"

The men of his company were terror-stricken, not knowing but that they would next be shot; but the women acted the part of true Christian heirones, and waited around the dying martyr as faithfully as others of their sex once waited around the cross of the dying Jesus.

The nature of the wound and the intensity of the suffering were such that he had to be kept in a sitting posture. After considerable delay and some trouble a chair was procured, on which he was carried to the house of his sister, half a mile distant, where he died at ten o'clock that night.

His home was twelve or fifteen miles distant. His wife was immediately sent for, and what occurred after she reached him an eye witness relates as follows:

"He was shot near 12 o'clock, and his wife reached him about 7 o'clock. When she went in, he raised his right arm and put it around her, but did not speak for a minute or more. He then said—she was sobbing and crying—'Ma, you must not grieve for me. I thought I was doing right; I still think I was doing my Master's work. Think of me often, and tell my brethren I fell at my post. All is clear; I have no doubts as to my acceptance with God; my whole trust is in the mercy of God through the mediation of Jesus Christ.' He then told her all that passed between him and McNabb; how they called him names, and one ruffian caught hold of him, and pushed him round and jerked him about till a lady interfered; said he did not for a moment lose his balance; that he kept calm, and tried to reason with them. He said that he knew he had to die as soon as the man 'Drake' rode up. His wife asked him 'if he did not feel scared?' 'No, no,' said he, 'I never felt the least alarmed or excited.' 'How did you

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feel when he drew his revolver?' asked his wife. 'Well,' said he, 'God had most graciously removed all fear of death by violence. I knew that my time was come, and felt that I was ready and willing to go.' He told her that she must not let the children forget Pa; that she must talk to them of him often, and train them for heaven and glory. His talk with his wife was with much difficulty, as his lungs were all the time bleeding profusely, and he was suffering most intensely and sinking rapidly. Just one hour before he died his only brother reached him. He was then wading deep in the cold Jordan of death; but on seeing his brother he held out his hand and said: 'Asbury, I'm almost home; I'm almost home! Oh, that I had strength and time to tell of my prospects of heaven and immortality! Oh! those bad men, those bad men! Lord have mercy upon them! Lord save them! With but a few words more of endearment to his wife, and messages of love to his children, he fell asleep, not gently, like the babe on its mother's bosom, but with intense physical agony, like the martyred Stephen amid a volley of stones."

It was thus he lived, and thus he passed away.

The next session of the St. Louis Conference after his death was characterized by profound grief and the most solemn and effective services *in memoriam*. The session was held at Lexington, Mo., and the following statement and correspondence will explain the occasion:

THE OPENING OF THE FIFTH SEAL.

The St. Louis Conference having requested the Rev. W. M. Prottsman to preach a sermon on the occasion of the death of Rev. Samuel S. Headlee, the Committee on Public Worship announced Tuesday afternoon as the time appointed for this service. At three o'clock a large congregation assembled with the Conference in the spacious audience room of the church at Lexington, where the following discourse was delivered, Dr. D. R. M'Anally, Dr. E. W. Sehon and Bishop Doggett assisting in the service.

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St. Louis, November 23, 1866.

Rev. W. M. Prottsman:

Dear Brother—We hereby request, for publication, a copy of your discourse on the death of our lamented brother, Rev. Samuel S. Headleee, delivered before the St. Louis Annual Conference, at its late session, by request of the Conference. We believe its publication to be eminently fitting, and are sure it will be esteemed as a special favor by large numbers in our State who had not the privilege of hearing it on the occasion of its delivery. He was widely and most favorably known among us; and the circumstances attending his death fixed upon it the attention of the nation and excited the most thrilling public interest. We would also suggest, as proper, that the publication be made serviceable for the relief of the large family whom his sudden death has left without comfortable provision for their wants.

Hoping to receive your compliance with this request, we are,

Yours fraternally,

Thomas M. Finney,
Milton Adkisson,
Joseph Boyle,
Wm. S. Woodard,
G. W. Horn,
F. A. Morris,
D. M. Proctor,
P. M. Pinckard.

St. Louis, November 24, 1865.

Rev. Thomas M. Finney, and others:

Dear Brethren—In reply to your note and request of yesterday, I herewith send the Discourse for publication, hoping with you that it may be made serviceable for the relief of the family of the deceased.

Very truly yours, etc.,

W. M. Prottsman.

The sermon on the "opening of the fifth seal" was an able and eloquent tribute to the memory of the martyred Headlee, and a manly and fearless vindicationof

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the principles in the defense of which we have the history of Martyrdom in Missouri.

The following extract from the sermon will throw light upon the dying moments of the martyr and indicate correctly the feelings of his brethren:

Of our beloved Headlee your Committee on Memoirs say: "The spirit and conduct of our beloved brother in his last hours were such as become the Christian. He retained his right mind till the last, and employed his heart and intellect in religious service till his spirit fled to the presence of his God. Like his Saviour in the last hour, he prayed for his murderers. Their malignity and cruel wrong did not put out the flame of love that God had kindled in his heart. And while we grieve to record his untimely death, we rejoice to have it to say that he imitated his Lord, and died praying, '*Father, forgive them!*' This impulse of his warm heart was the regular pulse of his religion? His dying prayer was the involuntary emotion of his faith! An hour before he died," says the committee, "he quoted the words, 'And God said, let there be light, and there was light.' And when the pure, soft light that flows from where the flash of sun and star grows dim in uncreated light came quietly falling around his dying pllow, he exclaimed,

"O sing to me of Heaven,
When I am called to die,"

and as these words died on his lips his spirit "crossed the flood."

When the startling intelligence of the murder of Samuel S. Headlee reached me, with you, with the community, I was shocked at the atrocity of the deed. We were none of us prepared to believe that such malignant and demoniacal conceptions of Satan could find instruments in our land for their execution. But we were compelled to acknowledge this truth in sorrow, and weep for the darkness and wickedness of our "civilized and enlightened land." Outside of the skirts of

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such a civilization who would not seek justice and peace in the light of heathen darkness?

We leave this murder to the invincible law of time and events. As days pass on, the shock of such deeds pass off; their stunning blindness clears away, men recover from the dizziness of the blow, and the true nature of the deed is seen. Then will this act stand up in its naked deformity before the world. Then will it be realized and felt by all, as it is now felt by those in whose hearts he still lives. And then will it give a distinguished name to his murderers from which neither time nor death can relieve them.

Sad and mournful as would have been the task, I would have deemed myself happy, if Headlee must thus die, to have sat by his side and heard from his dying lips his farewell song,

"O sing to me of Heaven."

Had I been there I would have whispered in his ear Jeremiah's funeral song, "Leave thy fatherless children; I will preserve them alive, and let thy widow trust in me."

But what could I have said to the living? What can we say now to her

——— "Whose spirit is broken,
Whose sighs are heard, but woes unspoken;
Who pines in the vigils of midnight alone,
O'er hopes that have faded and joys that have gone;
On whose brow, tho' the semblance of quiet be there,
'Tis the sadness of grief—'tis the calm of despair."

We can not say, do not weep, for when Mary's brother died Jesus wept. Nature must suffer for its losses. Sorrow we must have; not alone because "God knew what human hearts would prove, how slow to learn the dictates of his love," but because we are social, sympathetic beings, and can not be indifferent to heart losses or the sufferings of others.

"O, 'tis hard to lay in the grave
A countenance so benign!—a form that walked
But yesterday so nobly on the earth."

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But who committed this atrocious murder, and thus deprived the State of one of its best and purest men? Who are the guilty parties, and what have the civil authorities done to bring the outlaws to justice? The war had closed more than a year before this event, the civil law was supreme, and not an arrest was made, not an indictment found. Aye, more—nearly four years have elapsed since the murder of Mr. Headlee, and if any man has yet been tried by any court for complicity in this atrocious crime, the fact has not been made public. About two years ago some paper published the fact that one of the men had been arrested and lodged in jail, but that was the last of it.

The author of this work wrote to Gov. Fletcher, calling his attention to the murder of Mr. Headlee, the inhuman treatment of Rev. Mr. Price, in DeKalb county, and several other cases of crime and outlawry, but nothing came of it; and the answer returned by Lieutenant-Governor Smith, in the absence of the Governor, professed deep regret at the facts, but indicated no official purpose to bring the outlaws to justice. Yet, if they have escaped the punishment due to their bloody work at the hands of the law, by the indifference or connivance of civil magistrates and grand juries, or for any other cause, they shall not escape the verdict of history and the execration of posterity. They were "making history," and we are "writing history," and their children after them, and their children's children, to the third and fourth generations, shall have the deep humiliation of seeing their names in criminal association with the bloody history they have made. "After

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the sword comes the pen," and after the crime comes the deliberate verdict of posterity.

The following statement is from a responsible eye-witness:

"MARCH 27th, 1867.

"REV. P. M. PINCKARD:

"*Dear Brother*—I send you, according to promise, the names of the men who killed and were accessory to the killing of the Rev. S. S. Hoadlee, at Pleasant View Church, in Webster county, Mo., on the 28th day of July, 1866.

"They are as follows: H. W. McNabb, Virgil McNabb, Martin McNabb, John McNabb, Manasah P. Derick, Jessey B. Derick, A. J. Hall, S. T. Reeves, Wm. Halbert, Wm. Drake, Wm. Powell, Marion Chitty, Jas. Frank Davis, John Neut. Davis, Clark Davis, Thadeus Snider, J. W. Snider, Frank Warnack, J. C. Wiseman, John Jackson, J. T. Robins, Wm. Popegay, Ned Popegay and Joseph Nimo.

"Those who were at the Church on the day of the murder, and who will testify to the above named persons being there assembled as a mob, for the purpose of preventing Mr. Headlee from preaching there on that day, and who also heard the conversation between Mr. Headlee and McNabb—and the threats of the latter—are the following named persons:

"George Kooner, Sarah Kooner, W. C. Dryden, Sarah Dryden, Willis Spence, Sarah Spence, John Kontner, Wm. Ollman and lady, Riley Humes, Rhoda Humes, Caleb Humes, James Cousin and Dr. Tuttimore."

The facts as above narrated are substantially con

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firmed by the written statements of Rev. C. F. Dryden and Rev. Thomas Hill, both reputable ministers of the Gospel, and by George H. Loudon and W. H. Pipkins. If grand juries would consult any of the above named witnesses, or call upon John Latimore, Silas White and many others who were cognizant of the circumstances they would testify to facts that would be sufficient to convict at least McNabb and Drake of murder in the first degree.

Let the following certificates from responsible men close up the history of this bloody tragedy, convict the guilty and point the sad lesson:

"I was present on the 28th of July, 1866, at the church house known as Pleasant View Church, and heard the following threats made concerning Rev. Samuel S. Headlee:

"My first conversation was with H. W. McNabb. After many remarks had been made by McNabb, I asked the following questions: 'What do you want Brother Headlee to do? Will you arrest him if he comes here? and if so, will you institute or bring a civil process of law against him?' These questions were propounded to McNabb, who was, or seemed to be, the leader of the band. His reply was that he did not want him to come on the ground. I then proposed to go and let Brother Headlee know that it was best for him not to come to that place, when I was told (and I think by McNabb himself) that if he knew what was best for him he had better stay away.

"The next person that talked to me was one Thomas Robins, and among many other threats was the following. I propounded the same interrogatories as above.

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He said that he (Headlee) deserved to die; that Parson Bewley had been killed in Texas, and Headlee ought to be killed on that account, and appealed to McNabb to know if it would not be just and right, and I believe McNabb bowed his head assentingly.

"Robins then said that there were four or five of them there; that if he came there they intended to hang or shoot him, and appealed to a man whom he called 'Bill' to know if they would not do it; and this man gave his assent. There were a great many other like expressions made by this same Thomas Robins, but I do not think it necessary to mention them now.

"I was present when Brother Headlee was shot, some half mile from the church house. I did not know the man who shot him, but I would know him should I see him again. I would also know one of the men that was with the man that did the shooting. As to the other two men, I can not say whether I would know them or not.

"The above I am willing to swear to, as also several other threats that were made. But the above will do for this time, I think.

"Respectfully yours,

"THOMAS P. HILL."

"WEBSTER COUNTY, Mo., March 23, 1867.

"*Brothers Pinckard & Prottsman:* I, the undersigned, state that I was present at Pleasant View on the day of Rev. S. S. Headlee's murder, and state to you the substance of what I saw and heard:

"A man by the name of Robins stated that he had sent word to Headlee of what they intended to do if he (Headlee) came, and that they intended to do it, but he

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did not say what it was. The word was sent by Parson Hill, I believe.

"After Mr. Headlee came he remarked to McNabb that he understood that they intended to hang or kill him. McNabb's reply was that he should not preach there. He then asked him for his authority for such treatment, and under what law they were acting. McNabb replied that he did not care for law, and, pointing to the mob, said: 'There is my authority,' and also stated that he had consulted the best counsel in the State, and that he did not care for the law.

"Manassah Derick stated during the time that 'Andy Johnson pardons rebels, but we don't—we put them through.' Hall said, 'Trot him.' So far as I could see, all of twenty-five or twenty-six men composing the mob acted in concert, and seemed to harmonize in the abuse of Mr. Headlee. When they left the ground I returned home and saw no more.

"GEORGE H. LOWDER."

"*Brother Pinckard:* I was present at Pleasant View on the day that Brother Headlee preached there, some three or four weeks before his murder. After he had announced an appointment for a two days' meeting I was in conversation with McNabb. He said: 'You will not hold that meeting;' and also said he would not trouble us with the law. C. F. DRYDEN."

"John Newt. Davis remarked, as Mr. Headlee was leaving the Church, that somebody had better be preparing to die. It was understood by all present that he meant Headlee, and what immediately followed proves it.

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"Alban McNabb and Daniel Wand, two members of the North Methodist Church, at Pleasant Hill, and who signed the remonstrance against Headlee preaching there, in a conversation with Mr. Headlee's sister (who is also a North Methodist) said, that they told H. W. McNabb to let Headlee alone (or, in other words, not to use any violence, for that was their meaning), and put the law in force against him. McNabb replied, that he was not in favor of the law being used in this case. I consider this evidence of importance, for it proves what McNabb's intentions were, and that the killing was premeditated.

"Clark Davis says, that when McNabb was round drumming up his men, he told them that they could not do anything with Headlee by law for the reason that he was a Mason. The persons whose names I have given were all present at the Church, and heard and saw what passed there, and several of them were in company with Mr. Headlee when he was shot. John Fontners will swear positively that he saw Wm. Drake shoot Mr. Headlee; that he was close enough to see the dust (for it was very dusty) fly out of Mr. Headlee's coat when the ball struck him; he will also swear positively to the three men who were with Drake when he did the shooting, and that they and Drake were a part of the mob that was at the Church when Headlee left there; and that after they had shot Headlee they galloped back to McNabb's house, where the rest of the mob were. It is impossible for me to give you all that was said and done that would have a bearing on the case if those men were brought to trial. I

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think what I have given you is sufficient to prove that it was a premeditated and cold-blooded murder."

"W. H. PIPKINS."

The following reflections from the biographical sketch written by Dr. M'Anally, and extensively circulated, with the funeral sermon, in pamphlet form, are appropriate and to the point, while they throw light upon some facts not othewise presented:

"But it may be remarked: 1. Mr. Headlee had been very active and very successful in his efforts to prevent our members being led off to another denomination. The disturbances of the war had left many, indeed, most of our people, in that part of the State without the regular Gospel ministrations, and great efforts had been made to induce them to leave the Church of their early choice. They were told that 'the M. E. Church, South, was dead—would never be resurrected; that their preachers would not be allowed to preach; and that there was nothing left them but to change their Church relations,' etc. These reports Mr. Headlee contradicted, and prevented the results that were expected to have followed.

"2. He had been active in his efforts to regain, by lawful means, the possession of several church-houses in that part of the State, which had been seized and were occupied by others. In these efforts he was likely to be successful.

"3. In the month of August following the murder of Mr. Headlee, a term of the Circuit Court for Webster county was held. During that term of the Court a gentleman went to the foreman of the Grand Jury and asked if he would investigate the matter of the killing

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of Headlee. He replied: 'It will be attended to.' The gentleman then furnished him with a list of the names of persons who might be summoned as witnesses. Some of these persons were summoned, but the more important ones *were not*. A day or two afterward the same gentleman furnished the foreman of the Grand Jury an additional list of names and told him that those witnesses would testify that "on the day preceding the murder of Mr. Headlee, Henderson McNabb and son went through the neighborhood and gathered the mob; and that on the day of the killing, when the mob manifested any disposition to be quiet, McNabb would and did excite them again by violent and boisterous language. To this the foreman replied, 'I have given the subject as thorough an investigation as my sense will admit of.' There the subject was dropped, and there it rested. The gentleman who did this, and who reported the facts to me from the county site of Webster county by letter, dated September 1, 1866, added, 'He (the foreman of the Grand Jury) is a Northern Methodist preacher.' Of McNabb he said, 'With all men in this community not entirely blinded by party feeling and party hate there is no doubt of his (McNabb's) complicity in this foul murder. Yet he and his associates in crime go unpunished. He is a member of the M. E. Church in good standing. No charge has been brought against him, no investigation had, and no disposition manifested even to inquire into the matter.'

"The gentleman who wrote the above is extensively and favorably known in Missouri for the many and faithful public services he has performed.

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"4. All these statements can be substantiated by good witnesses. The reader can draw his own inferences."

REV. ISAAC FRAZEE.

Among the many atrocious murders committed during the war, the following case is too important, unprovoked and wanton to be omitted, though its record here is out of place, chronologically. The reason that it did not appear earlier in this work, somewhat in keeping with the dates, is, that the facts were not obtained in time. And even now nothing has been learned of his life and labors, and only the following meagre but perfectly reliable account of his murder has been furnished.

Rev. Isaac Frazee was a reputable minister of the Gospel in connection with the regular Baptist Church, and lived in the southwest part of Caldwell county, Missouri. He was considered an inoffensive, humble, devout Christian and a useful minister. He took no part in the strife; kept himself aloof from all exciting subjects and places, and tried, in his quiet, orderly way, to promote "peace on earth and good will amongst men."

As was too often the case in those days, he, by some means, had the ill-will of somebody connected with the State militia, and the authority of arms was used in the interest of personal malice. The militia of the county were at the time under the command of the notorious John Ross, and had their own way with everybody and everything, and the people, being disarmed, were powerless and helpless in their hands. They seemed to have full license to do as they pleased, without fear

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or favor, and amongst other victims of their mean vengeance was this humble minister of Jesus.

Sometime in August, 1862, Captain Ross himself, with about one dozen of his men, went to Mr. Frazee's house at midnight, called him out and marched him off on foot, while they were mounted. They gave no intimations of their purpose, and studiously concealed from their victim their murderous intent. When they had gone about a mile from the house they called a halt and held a brief consultation, Mr. Frazee, the meanwhile, standing some distance from them. It was misting rain and quite dark. At the close of the consultation they ordered Mr. Frazee to march on ahead of them. No sooner had he started than they *fired*. He instantly fell and cried out in pain. The ball took effect in the loins. When he had a moment to think he called to his murderers; told them they had killed him, and said he desired to talk with them. When they heard his request they advanced a little nearer, and instead of listening to what he had to say, fired a second time, one ball cutting his hand in two. They then left him in the mist and darkness, supposing that the work of blood and death was done.

Fortunately for the truth of history, although to his unutterable agony, his life was spared until late in the following day. What he suffered during the remaining hours of that dreadful night no tongue could tell, no language portray. About 8 o'clock the next morning he was found and carried to his house, where he lingered in the greatest pain until late in the evening. He was perfectly rational till the last; knew his murderers, and related to his friends the circumstances as above narrated.

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This only adds another name to the long roll of Missouri martyrs, and furnishes another illustration of the intolerance, proscription and persecution of the dark and bloody period through which we have come and of which we write.

The list of Missouri Martyrs furnished in this work is not yet complete. There were others, but reliable information in the proper shape has not been obtained, and their names must be left for the faithful gleaners; and, indeed, the facts and incidents that make up the history of these terrible times have been left here and there by rich "handfulls," enough to make another volume, which, with that herein collated, may be presented hereafter in a more enduring and valuable form by some ecclesiastical Macauley.

The sentiment of the poet will appropriately and touchingly close this sad history:

"Flung to the heedless winds
Or on the waters cast,
The Martyrs' ashes watched
Shall gathered be at last;
And from that scattered dust,
Around us and abroad,
Shall spring a plenteous seed
Of witnesses for God."

THE END.

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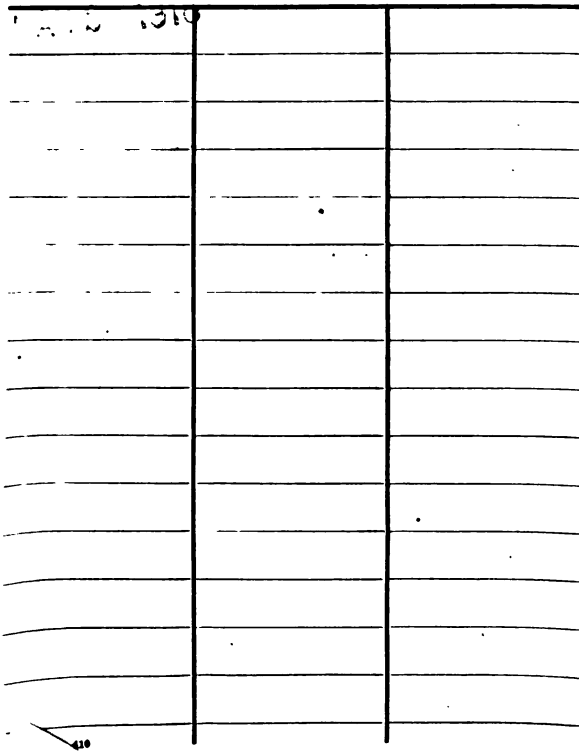

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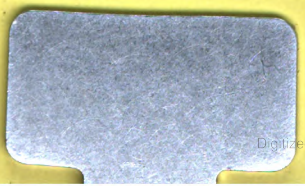

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